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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: February 20, 2001, from 9:00 a.m. to Noon (E.S.T.)

WHERE: Office of the Federal Register
Conference Room
800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)

RESERVATIONS: 202–523–4538

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 405 and 406

[Docket No. FAA–2001–8607; Amendment Nos. 405–2, 406–2]

RIN 2120–AH18

Civil Penalty Actions in Commercial Space Transportation: Delay of Effective Date

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with a memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Review Plan,'' published in the **Federal Register** on January 24, 2001, this action temporarily delays for 60 days the effective date of a rule entitled Civil Penalty Actions in Commercial Space Transportation, published in the **Federal Register** on January 10, 2001 (66 FR 2176). That rule amends the procedures for assessment and adjudication of civil penalties in space transportation enforcement actions.

DATES: The effective date of the final rule amending 14 CFR part 405 and revising 14 CFR part 406 published in the **Federal Register** on January 10, 2001, at 66 FR 2176, is delayed for 60 days, from February 9, 2001, until April 10, 2001.

FOR FURTHER INFORMATION CONTACT: Mardi Ruth Thompson, Office of the Chief Counsel (AGC–200A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591: telephone (202) 267–3073, facsimile (202) 267–5106, or e-mail: *mardi.thompson@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

In accordance with a memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Review Plan,'' published in the **Federal Register** on January 24, 2001 (66 FR 7702), this action temporarily delays for 60 days the effective date of a rule entitled Civil Penalty Actions in Commercial Space Transportation, published in the **Federal Register** on January 10, 2001 (66 FR 2176). That rule amends the procedures for assessment and adjudication of civil penalties in space transportation enforcement actions.

Good Cause for No Notice and Immediate Adoption

To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A). Alternatively, the FAA's implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. section 553(b)(B) and 553(d)(3). Seeking public comment is impracticable, unnecessary and contrary to the public interest. The temporary 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this action effective immediately upon publication. This action does not affect the close of the comment period, which remains February 9, 2001.

Issued in Washington, DC on January 31, 2001.

Patricia G. Smith,

Associate Administrator for Commercial Space Transportation.

[FR Doc. 01–3209 Filed 2–7–01; 8:45 am]

BILLING CODE 4910–13–P

POSTAL SERVICE

39 CFR Part 111

Standards Governing the Design of Curbside Mailboxes

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service is revising U.S. Postal Service Standard 7A, *Mailboxes, City and Rural Curbside,* which governs the design of curbside mailboxes. This revision was developed through a consensus process and was approved by a committee of representatives from mailbox manufacturers, mailbox accessory manufacturers, and the Postal Service.

EFFECTIVE DATE: This rule shall be effective on February 8, 2001.

FOR FURTHER INFORMATION CONTACT: Annamarie Gildea, U.S. Postal Service, 475 L'Enfant Plaza SW., Room 7142, Washington, DC 20260–1127. (202) 268–3558.

SUPPLEMENTARY INFORMATION:

The revised standard, which shall be designated U.S. Postal Service Standard 7B, *Mailboxes, Curbside,* adopts the recommendations of the USPS Curbside Mailbox Standard Revision Consensus Committee. The members of the Committee met as an advisory group and negotiated among themselves and with the Postal Service to reach a consensus on a new standard. Further, Committee members were responsible for representing other interested individuals and organizations that were not present at Committee meetings and keeping them informed of the Committee's proceedings. As part of the consensus process, the Postal Service agreed to use a recommendation by the Committee as the basis of the new standard. In addition, each private member of the Committee agreed that, if it agreed to a recommendation by the Committee, it would support that recommendation and the new standard to the extent that it reflects the recommendation. After the Consensus Committee held several meetings that were open to the public, the Committee approved and recommended the standard set forth below and agreed that the benefits of the standard outweighed its costs.

Changes incorporated in the proposed new standard include the following:

1. Eliminated the requirement that ''Traditional'' mailboxes must be built in conformance with USPS drawings (formerly designated T1, T2, & T3). All three USPS drawings were eliminated and replaced with a new figure, which gives manufacturers more design flexibility.

2. Removed all requirements to comply with military and federal specifications and standards.

3. Deleted flammability, solar exposure, and color intensity test requirements that were determined to be invalid or unnecessary.

4. Dropped requirement that manufacturers comply with the National Motor Freight Classification Rule 222.

5. Introduced a new ''Locked'' mailbox classification with two new figures. This design will provide customers with an option to purchase mailboxes that offer increased security for their mail.

6. Incorporated quality assurance provisions.

7. Added a figure depicting three new alternative flag designs.

8. Included new guidelines and a figure for acceptable door handle/knob designs.

9. Clarified application requirements and introduced independent laboratory testing.

Comment and Analysis

The Postal Service makes this revision after consideration of the single substantive comment submitted in response to the Notice of Proposed Rulemaking published in Vol. 65 **Federal Register** No. 212 on November 1, 2000. The commenter recommended that the proposed standard be modified to permit use of retrofit locking devices on mailboxes. The commenter argued that such devices would address mail theft concerns, provide a low cost alternative to purchasing a locking mailbox, and enable more efficient carrier delivery.

Although the commenter recommends that retrofit locking devices be permitted only if they do not otherwise violate any provision of the new standard, the Postal Service and the Consensus Committee have concluded that the recommended modification should not be made.

The Postal Service has evaluated numerous locking devices intended to be retrofitted on customers' curbside mailboxes. In every case, mailboxes equipped with those devices required significant additional carrier effort. In addition, all were susceptible to incorrect homeowner installation and/or incorrect operation by carriers. These pervasive problems would decrease the effectiveness of mail security afforded by these devices and increase the operational difficulty of servicing mailboxes equipped with those devices. For these reasons, the Postal Service has consistently determined that retrofit locking devices should not be permitted on curbside mailboxes, and all members of the Committee opposed adoption of the change recommended by the commenter.

In response to concerns about mail security, the Consensus Committee recommended new design requirements for locked mailboxes. The new locked mailboxes permitted under the revised standard will not present any of the inherent problems associated with retrofit locking devices, and will provide increased mail security to customers.

Re-approval of Manufacturers' Curbside Mailboxes

The re-approval process for manufacturers with mailbox designs that were approved before the final publication date of USPS STD 7B will be conducted as follows. The approval process for all other mailbox designs will be conducted in accordance with USPS STD 7B, part 5.

1. The USPS will notify currently approved manufacturers within five business days after final publication of USPS STD 7B in the **Federal Register** when to submit their mailboxes for re-approval. All mailboxes must be submitted to: ATTN: Test Evaluation & Quality, USPS Engineering, 8403 Lee Hwy, Merrifield VA 22082–8101.

2. Manufacturers will have 90 days after receipt of this notification to submit a sample of each of their previously approved mailboxes. In addition, manufacturers shall submit their quality assurance manual, and each mailbox must be accompanied with a compliance certificate, one set of drawings, product information, and instructions. Mailboxes will be tested on a first-come, first-served basis.

3. If a previously approved mailbox is not submitted within the 90-day period, it will automatically lose its approval status. A manufacturer may receive an extension of up to 45 days, provided reasonable justification is demonstrated to the USPS. Manufacturers seeking an extension must write to: ATTN: Delivery & Retail Systems, USPS Information Platform, 8403 Lee Hwy, Merrifield VA 22082–8101.

4. The USPS will have up to 90 days to respond to submissions, during which time manufacturers can continue to sell their mailboxes.

5. If a submitted mailbox does not pass the revised standard's requirements, the manufacturer may make modifications and re-submit their mailbox one additional time. The manufacturer will have 45 days after the date of USPS's notice of denial of the manufacturer's first application to submit a second sample. Should the second sample fail testing, the manufacturer has up to 180 days from notification of failure to cease selling it. The manufacturer is also to cease production immediately and use the 180 days to deplete existing inventory.

6. If a mailbox fails two testing attempts, manufacturers may still make modifications and re-submit in accordance with the new application requirements specified in the revised standard. However, the conditions identified in #5 above remain in effect.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. § 552(a), 39 U.S.C. §§ 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Revise USPS STD 7A as set forth below:

USPS-STD–7B.
February 8, 2001.
Supersedes Rev A.
Dated: December 17, 1992.

1. SCOPE AND CLASSIFICATION

1.1 Scope

This standard covers all curbside mailboxes. Curbside mailboxes are defined as any design made to be served by a carrier from a vehicle on any city, rural or highway contract route. This standard is not applicable to mailboxes intended for door delivery service (see 6.1).

1.2 Classifications

Based on their size and design, curbside mailboxes are classified as either:

T—Traditional, Full or Limited Service (see 3.2.1 & Figure 1).
C—Contemporary, Full or Limited Service (see 3.2.2).
L—Locked, Full or Limited Service (see 3.2.3 & Figures 2 & 3).

1.3 Approved Models

1.3.1 Approved Models

Manufacturers whose mailboxes have been approved by the United States Postal Service (USPS) will be listed in the Postal Operations Manual (POM) and published in the Postal Bulletin.

1.3.2 Interested Manufacturers

Manufacturing standards and current information concerning the manufacture of curbside mailboxes may be obtained by writing to: USPS, Information Platform, Delivery & Retail Operation Equipment, 8403 Lee Highway, Merrifield, VA 22082–8101.

2. APPLICABLE DOCUMENTS

2.1 Specifications and Standards

Except where specifically noted, the specifications set forth herein shall apply to all curbside mailbox designs.

2.2 Government Documents

The following documents of the latest issue are incorporated by reference as part of this standard.

United States Postal Service

POM Postal Operations Manual

Copies of the Postal Operations Manual can be obtained from the USPS New Jersey Material Distribution Center, 2 Brick Plant Road, South River, NJ 08877–9998.

2.3 Non-Government Documents

The following documents of the latest issue are incorporated by reference as part of this standard.

American Standards for Testing Materials (ASTM)

ASTM G85 Standard Practice for Modified Salt Spray (Fog) Testing

ASTM D968 Standard Test Methods for Abrasion Resistance of Organic Coatings by Falling Abrasive

Copies of the preceding documents can be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959.

Underwriters Laboratories

UL 771 Night Depositories (Rain Test Only)

Copies of the preceding document can be obtained from Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, IL 60062–2096

American Society for Quality

ANSI/ASQC Q9002–1994 Quality Systems—Model for Quality Assurance in Production, Installation, and Servicing

ANSI/ISO/ASQC Q10013–1995 Guidelines for Developing Quality Manuals

Copies of the preceding documents can be obtained from the American Society for Quality, PO Box 3066, Milwaukee, WI 53201–3066.

3. REQUIREMENTS

3.1 Quality

Mailbox manufacturers must ensure and be able to substantiate that units manufactured conform to the requirements of this specification.

3.1.1 Inspection

The Postal Service reserves the right to inspect units for conformance to this specification at any stage of manufacture. Inspection by the Postal Service does not relieve the manufacturer of the responsibility to provide performance that conforms to the requirements set forth in this specification. Prior to any visits, the Postal Service will provide a minimum notice of 30 business days. The Postal Service may, in its discretion, suspend the approval status of any manufacturer's model that is found to be out of conformance with approved drawings (see 5.2.2).

3.1.2 System

The manufacturer shall use a documented quality system acceptable to the Postal Service. As a minimum, the manufacturer's quality system shall include controls and record keeping in the following areas: (A quality system in compliance with ANSI/ASQC Q9002–1994 meets this requirement).

3.1.2.1 Inspection and testing;
3.1.2.2 Inspection, measuring, and test equipment;
3.1.2.3 Control of nonconforming products;
3.1.2.4 Document control; and
3.1.2.5 Corrective action.

3.1.3 System Evaluation

The Postal Service has the right to evaluate the acceptability and effectiveness of the manufacturer's quality system before approval and during tenure as approved source.

3.1.4 Records

All of the manufacturer's records pertaining to the approved product shall be kept for a minimum of three (3) years after shipment of product.

3.2 General Design

Mailboxes must meet regulations and requirements as stipulated by USPS collection and delivery, operation and policy (see 2.2). This includes carrier door operation as stated in 3.4, flag operation as stated in 3.7, in-coming mail openings and the retrieval of out-going mail. The opening style, design and size are determined by the manufacturer, however, the carrier must be able to deposit the customer's mail. Out-going mail of all designs must be able to be pulled straight out of the mailbox without interference from protrusions, hardware, etc. Mailboxes must be capable of passing the applicable testing requirements in 3.15. Mailboxes must not be made of any transparent, toxic, or flammable material (see 3.3). The mailbox must protect mail from potential water damage that may result from wet weather conditions (see section 3.15.3). Any advertising on a mailbox or its support is prohibited. Additional specific requirements follow.

3.2.1 Traditional Designs (Limited & Full Service)

Figure 1 and meet capacity requirements specified in 3.15.1 will be classified as Traditional. Designs incorporating a carrier signal flag (see 3.7) will be classified as full service mailboxes. Designs with no flag will be classified as limited service (see 3.12). As specified in 3.5, a rear door is permitted to enable the customer to remove mail without standing in the street. The use of locks, locking devices or inserts is prohibited.

3.2.2 Contemporary Designs (Limited & Full Service)

Mailbox designs that do not conform to the dome-rectangular shape of Traditional designs but meet capacity requirements specified in 3.15.1 will be classified as Contemporary. In addition, Contemporary designs shall not exceed the maximum limitations on dimensions A, D, E, F and G in Figure 1. Designs incorporating a carrier signal flag (see 3.7) will be classified as full service mailboxes. Designs with no flag will be classified as limited service (see 3.12). Although the shape and design is less restrictive, Contemporary mailboxes must meet the same applicable functional requirements. Contemporary designs can also incorporate a rear door, as specified in 3.5, to enable the customer to remove mail without standing in the street. The use of locks, locking devices or inserts is prohibited.

3.2.3 Locked Designs

Mailbox designs that provide security for customer's in-coming mail will be classified as Locked mailboxes (see Figures 2 & 3). Although the shape and design is less restrictive, Locked mailboxes must meet the same applicable functional requirements. Designs having a slot for in-coming mail must be at least 1.75 inches high by 10 inches wide. If a slot has a protective flap it must operate inward to ensure mail can be inserted in a horizontal manner without requiring any additional effort of carriers (see Figure

3). The slot must be positioned on the front side of the mailbox facing the street. In addition, the slot must be clearly visible and directly accessible by mail carriers. Any designs, which allow for out-going mail, must meet all applicable requirements of this standard.

3.2.3.1 Full Service

Locked mailbox designs of this class allow for both in-coming and out-going mail as depicted in Figure 2. It is preferred[1] that both in-coming and out-going mail compartments be located behind a single carrier service door as shown in Figure 2. Alternate positioning of the in-coming mail compartment such as beneath or side-by-side with the out-going compartment is permitted provided that no additional carrier service is introduced.

3.2.3.2 Limited Service

Locked mailbox designs of this class only allow for in-coming mail as shown in Figure 3.

3.2.4 Mailbox Accessories

Decorative art and devices can be attached to the exterior of approved mailbox designs provided they do not interfere with mail delivery or present a safety hazard. Devices can also be mounted in the interior of approved mailboxes provided they do not cause the intended mailbox to fail capacity test described in 3.15.1 and do not interfere with mail delivery or present a safety hazard. Any advertising on a mailbox or its support is prohibited. Unrestricted spring-loaded devices and designs are prohibited. Auxiliary flags or devices used to signal the customer that the mail has arrived must operate automatically without requiring additional carrier effort.

3.3 Materials

Ferrous or nonferrous metal, wood (restrictions apply), plastic, or other materials may be used, as long as their thickness, form, mechanical properties, and chemical properties adequately meet the operational, structural, and performance requirements set forth in this standard. Materials used must not be toxic, flammable or transparent.

3.3.1 Mailbox Floor

The entire bottom area of all mailboxes where mail would rest shall be fabricated to prevent mail from damage due to condensation or moisture. Except for the internal mail compartment of locked style mailboxes, all designs must not present a lip or protrusion that would prevent the mail from being inserted or pulled straight out of the mailbox. The surface of the floor cannot be made of wood material. The floor shall be ribbed as shown in Figures 1, 2, and 3 or dimpled, embossed, or otherwise fabricated provided the resulting surface area (touching mail) does not exceed .25 square inch (per dimple/impression) and is a minimum of .12 inch high on centers not exceeding 1 inch. A mat insert having a raised surface contour may be used for the internal mail compartment of locked style mailboxes only (see Figures 2 & 3).

3.3.2 Carrier Signal Flag

Cannot be made of wood. Plastic is the preferred material.

3.3.3 Door Handle

Cannot be made of wood. Plastic is the preferred material.

3.4 Carrier Service Door

There shall be only one carrier service door which must provide access for mail delivery and collection intended by the unit and meet USPS delivery operational requirements (see 2.2). The door must meet the applicable testing requirements specified in 3.15.2. The carrier service door must operate freely and solely by pulling outward and downward with a convenient handle or knob. The design of the door, including hinges and handles must provide protection against wind, rain, sleet, or snow (see 3.15.3). Door latches must hold the door closed but allow easy opening and closing requiring no more than 5 pounds of force. Action of the latch must be a positive mechanical one not relying solely on friction of the hinge parts. The door shall not be spring-loaded. Magnetic latches are acceptable provided adequate closure power is maintained during ambient conditions specified in 3.15.6 and applicable testing described in 3.15. It is preferred that by either tactile or by sound (i.e. ''snap'' or ''click'') carriers are alerted that door is properly shut. The door, once opened, must remain in the open position until the carrier pushes it closed. The door must rotate a minimum of 100 degrees when opened and it is preferred that the maximum rotation be limited to 120 degrees or less. When in a fully opened and rest position, the opening angle of the door cannot measure more than 180 degrees. No protrusions other than the handle/knob, door catch, alternate flag design, decorative features or markings are permitted on the carrier service door. Protrusions of any kind that reduce the usable volume within the mailbox when closed are not acceptable. See section 3.2.3 for carrier service door requirements for Locked mailbox designs.

3.4.1 Handle/Knob

The handle or knob shall have adequate accessibility to permit quickly grasping and pulling it with one hand (with or without gloves) to open the door. The handle or knob shall be located within the top 1/3 of the door. Various acceptable handle/knob designs with required dimensions are depicted in Figure 5. Other designs may be acceptable provided they allow enough finger clearance and surface area for carriers to grasp.

3.5 Rear Doors

Mailboxes may have a rear door, provided that it does not interfere with the normal delivery and collection operation provided by the carrier or require the carrier to perform any unusual operations. The rear door must not be susceptible to being forced open as a result of large mail items such as newspapers and parcels being inserted through the carrier door. The rear door must meet the applicable testing requirements specified in 3.15.

3.6 Locks

Locked mailbox designs shall have an effective means to ensure that in-coming mail is only accessible by the customer. The use of locks on Contemporary and Traditional mailbox designs is prohibited. Manufacturers must include the following statement in their instructions to customers: IT IS IMPORTANT TO NOTE THAT IT IS NOT THE RESPONSIBILITY OF MAIL CARRIERS TO OPEN MAILBOXES THAT ARE LOCKED, ACCEPT KEYS FOR THIS PURPOSE, OR LOCK MAILBOXES AFTER DELIVERY OF THE MAIL.

3.7 Carrier Signal Flag

Traditional, Contemporary, and Locked mailbox designs classified as Full Service shall have a carrier signal flag. The flag design must be one of the approved concepts depicted in Figures 1, 2, and 4. As shown in each figure, the flag must be mounted on the right side when facing the mailbox from the front. The flag must not require a lift or more than 2 pounds of force to retract. Additionally, when actuated (signaling out-going mail) the flag must remain in position until retracted by the carrier. The color of the flag must be in accordance with requirements described in 3.10. The operating mechanism of the

[1] The term 'preferred' as used throughout this document in conjunction with any requirement implies that compliance is desired but not mandatory.

flag must not require lubrication and must continue to operate properly and positively (without binding or excessive free play) after being subjected to test described in 3.15. Optionally, the flag may incorporate a self-lowering feature that causes it to automatically retract when the carrier service door is opened provided no additional effort is required of the carrier. The self-lowering feature cannot present protrusions or attachments and must not interfere with delivery operations in any manner or present hazardous features as specified in 3.2.

3.8 Marking

The mailbox must bear two inscriptions on the carrier service door: ''U.S. MAIL'' in a minimum of .50 inch high letters and ''Approved By The Postmaster General'' in a minimum of .18 inch high letters. These inscriptions may be positioned beneath the incoming mail slot for Limited Service Locked Mailboxes as shown in Figure 3. Markings must be permanent and may be accomplished by applying a decal, embossing on sheet metal, raised lettering on plastic, engraving on wood or other methods that are suitable for that particular unit. The manufacturer's name, address, date of manufacture (month and year), and model number or nomenclature must be legible and permanently marked or affixed on a panel (rear, backside of door, bottom or side interior near the carrier service door) of the mailbox that is readily accessible and not obscured.

3.8.1 Modified Mailbox Marking

Mailboxes that use previously approved units in their design must include marking stating the new manufacturer's name, address, date of manufacture and model nomenclature in a permanent fashion and location as described above. Additionally, The ''U.S. MAIL'' and ''Approved By The Postmaster General'' marking shall be reapplied if it is obscured or obliterated by the new design.

3.9 Coatings and Finishes

Choice of coatings and finishes is optional, provided all requirements of this standard are met. All coatings and finishes must be free from flaking, peeling, cracking, crazing, blushing, and powdery surfaces. Coatings and finishes must be compatible with the mailbox materials. Accept for small decorative accents, mirror-like coatings or finishes are prohibited. The coating or finish must meet the applicable testing requirements described in 3.15.5.

3.10 Color

The color of the mailbox and flag must be in accordance with the following requirements. The mailbox may be any color. The carrier signal flag can be any color except any shade of green, brown, white, yellow or blue. The preferred flag color is fluorescent orange. Also, the flag color must present a clear contrast with predominant color of the mailbox.

3.11 Mounting

The mailbox shall be provided with means for convenient and locked mounting that meets all applicable requirements of the POM. The manufacturer may offer various types of mounting accessories such as a bracket, post or stand. Although the USPS does not regulate the design of mounting accessories, it is pointed out that no part of them is permitted to project beyond the front of the mounted mailbox. Mounting accessories must not interfere with delivery operations as described in 3.2 or present hazardous features as described in 3.14. See section 6 for additional important information.

3.12 Instructions and Product Information

3.12.1 Assembly and Installation

A complete set of instructions for assembling and mounting the mailbox shall be furnished with each unit. The instructions must include the following conspicuous message: CUSTOMERS ARE REQUIRED TO CONTACT THE LOCAL POST OFFICE BEFORE INSTALLING THE MAILBOX TO ENSURE ITS CORRECT PLACEMENT AND HEIGHT AT THE STREET. GENERALLY, MAILBOXES ARE INSTALLED AT A HEIGHT OF 41–45 in. FROM THE ROAD SURFACE TO INSIDE FLOOR OF THE MAILBOX OR POINT OF MAIL ENTRY (LOCKED DESIGNS) AND ARE SET BACK 6–8 in. FROM FRONT FACE OF CURB OR ROAD EDGE TO THE MAILBOX DOOR.

3.12.2 Limited Service Mailboxes

The following conspicuous note shall be included with each mailbox: THIS IS A LIMITED SERVICE MAILBOX (WITHOUT FLAG) AND IT IS ONLY INTENDED FOR CUSTOMERS WHO DO NOT WANT POSTAL CARRIERS TO PICK-UP THEIR OUT-GOING MAIL. UNLESS POSTAL CARRIERS HAVE MAIL TO DELIVER THEY WILL NOT STOP AT LIMITED SERVICE MAILBOXES.

3.13 Newspaper Receptacles

A receptacle for the delivery of newspapers may be attached to the post of a curbside mailbox provided no part of the receptacle interferes with the delivery of mail, obstructs the view of the flag, or presents a hazard to the carrier or the carrier's vehicle. The receptacle must not extend beyond the front of the box when the door is closed. No advertising may be displayed on the outside of the receptacle, except the name of the publication.

3.14 Workmanship

The mailbox shall be properly assembled and utilize the best commercial practice workmanship standards in the fabrication of all components and assemblies. All movable parts shall fit and operate properly with no unintended catch or binding points. The unit must be free from harmful projections or other hazardous devices. The unit must not have any sharp edges, sharp corners, burrs or other features (on any surfaces) that may be hazardous to carriers/customers, or that may interfere with delivery operations as described in 3.2 (General Design).

3.15 Testing Requirements

Mailboxes will be subjected to all applicable testing described herein (specific requirements follow). A mailbox that fails to pass any test will be rejected. Testing will be conducted in sequence as listed herein and in Table III.

3.15.1 Capacity

Traditional and Contemporary designs must meet minimum capacity requirements tested by insertion and removal of a standard test gauge which measures 18.50″ long x 5.00″ wide x 6.00″ high. The test gauge is inserted with its 6.00″ dimension aligned in the vertical axis (perpendicular to the mailbox floor). The gauge must be capable of easy insertion and removal; and while inserted, allow for the door(s) to be completely closed without interference. The capacity of Locked designs, which have slots, chutes or similar features, will be tested and approved based upon whether standard USPS mail sizes (see Table I) can be easily inserted through the mail slot or opening. Retrieval of this mail from the locked compartment shall be equally as easy.

TABLE I.—STANDARD MAIL (LOCKED DESIGNS)

Description	Size (L × H × Thk)
Express & Priority Mail Envelopes.	12½″ x 9½″ x ½″
Priority Mail Box	8⅝″ x 5⅜″ x 1⅝″

3.15.2 Operational Requirements

Carrier service doors, auxiliary doors, door catches/mechanisms, carrier signal flags and applicable accessory devices must be capable of operating 7,500 normal operating cycles (1 cycle = open/close) at room temperature, continuously and correctly, without any failures such as breakage of parts. Testing may be performed either manually or by means of an automated mechanically driven test fixture which essentially mimics a manual operation. This test is applicable to all mailbox designs.

3.15.3 Water-Tightness

A rain test in accordance with UL 771, section 47.7 shall be performed to determine a mailbox's ability to protect mail from water. The rain test shall be operated for a period of 15 minutes for each side. At the conclusion of the test, the outside of the unit is wiped dry and all doors are opened. The inside of the compartment must contain no water other than that produced by high moisture condensation. This test is applicable to all mailbox designs.

3.15.4 Salt Spray Resistance

A salt spray test shall be conducted in accordance with method A5 of ASTM G85, Standard Practice for Modified Salt Spray (Fog) Testing. The salt test shall be operated for 25 continuous cycles with each cycle consisting of 1-hour fog and 1-hour dry-off. The mailbox shall be tested in a finished condition, including all protective coating, paint, and mounting hardware and shall be thoroughly washed when submitted to remove all oil, grease, and other nonpermanent coatings. No part of the mailbox may show finish corrosion, blistering or peeling, or other destructive reaction upon conclusion of test. Corrosion is defined as any form of property change such as rust, oxidation, color changes, perforation, accelerated erosion, or disintegration. The build-up of salt deposits upon the surface shall not be cause for rejection. However, any corrosion, paint blistering, or paint peeling is cause for rejection. This test is primarily applicable to ferrous metal mailbox designs. It is also valid for mailbox designs made of plastic, wood, or other materials which use any metal hardware.

3.15.5 Abrasion Resistance

The Mailbox's coating/finish shall be tested for resistance to abrasion in accordance with method A of ASTM D968. The rate of sand flow shall be 2 liters of sand in 22 ± 3 seconds. The mailbox will have failed the sand abrasion test if less than 15 liters of sand penetrates its coating or if less than 75 liters of sand penetrates its plating. This test is applicable to metal mailbox designs only.

3.15.6 Temperature Stress Test

The mailbox under test shall be placed in a cold chamber at −65° Fahrenheit for 24 hours. The chamber shall first be stabilized at the test temperature. After remaining in the −65° environment for the 24-hour period, the unit shall be quickly removed from the cold chamber into room ambient and tested for normal operation. The removal from the chamber and the testing for normal operation shall be accomplished in less than 3 minutes. The room ambient shall be between 65° and 75° Fahrenheit. Normal operation is defined as operation required and defined by this document. The unit under test shall undergo a similar temperature test, as described above, at a temperature of 140° Fahrenheit. This test is applicable to all mailbox designs.

3.15.7 Structural Rigidity Requirements

Forces of specified magnitude (see Table II) shall be slowly applied at specific points on the mailbox under test (see Figure 6). These forces shall be held for a minimum of one minute and then released. After their release, the deformation caused by the forces shall be measured. If the deformation exceeds the limit specified in Table II, the mailbox under test has failed to meet the structural rigidity requirement. The doors shall remain closed for test positions 1 through 6. The application of the forces at positions 1 and 2 shall be applied with the mailbox in its normal upright position, supported by a horizontal board. The application of the forces at positions 3, 4, and 5 shall be applied with the mailbox lying on its side (flag side down). The mailbox shall be supported, on the under side, by a flat board that is relieved in the immediate area of the flag mechanism. The application of force at position 6 (Traditional style flags only) shall be applied with the mailbox lying on its side (flag side up). The application of force at position 6 shall be repeated at the top of the flag with the mailbox in its normal upright position. If visible cracks, in the material, have developed as a result of the testing, the mailbox under test has failed to meet the structural rigidity requirement. At the conclusion of the Structural Rigidity testing, if the mailbox under test fails to operate normally, as defined by this document, the mailbox under test has failed to meet the structural Rigidity requirement. This test is applicable to all mailbox designs.

TABLE II.—PERMANENT DEFORMATION LIMITS

Position	Deformation (inches)	Load (pounds)
1	1/8	200
2	1/8	200
3	1/8	50
4	1/8	50
5	1/8	100
6	1/2	2

3.15.8 Impact Test

Refer to the Figure 6 for load positions. Precondition the mailbox for 4 hours at −20° Fahrenheit. The following testing shall be performed within 3 minutes of removing the mailbox from the temperature chamber. At both load positions 3 and 4, with the mailbox lying on its side (flag side down) with the door(s) closed, apply an impact load equivalent to a 10-pound weight dropped from a height of 3-feet above the mailbox surface onto a bolster plate having a surface not larger than 2 inches by 2 inches. The mailbox shall be supported, on the underside, by a flat board that is relieved in the immediate area of the flag mechanism. If any noticeable perforation, occurrence of sharp edges, or cracking of the material, either inside or outside the mailbox, develops as a result of the impact; or if the door becomes inoperable or fails to close normally, the mailbox under test has failed to meet the impact resistance requirement. This test is applicable to all mailbox designs.

4. APPLICATION REQUIREMENTS

4.1 Application Requirements

Requests for application materials, and all other correspondence and inquiries, shall be directed to the address in 1.3.2. The application process consists of:

4.1.1 Preliminary Review

Manufacturers must first satisfy requirements of a preliminary review prior to submitting any sample mailboxes or accessories. The preliminary review consists of a review of the manufacturer's conceptual design drawings. Computer generated drawings are preferred, but hand drawn sketches are acceptable provided they clearly depict the overall shape and interior size of the proposed mailbox design. Drawings must also include details on design of applicable features such as the carrier service door, latch, handle, flag, floor, and slot. In addition to drawings, proposed accessories shall show or

describe intended function. If drawings show that the proposed mailbox design appears to comply with the requirements of this standard, manufacturers will be notified in writing and may then continue with the application requirements described in 4.1.2. Do NOT submit any sample mailboxes to the USPS prior to complying with the requirements of 4.1.2. Notification that a manufacturer's drawings satisfy the requirements of the preliminary review does NOT constitute USPS approval of a design, and shall NOT be relied upon as an assurance that a design will be approved.

4.1.2 Testing

Upon receiving written notification from the USPS that their design satisfies requirements of the preliminary review, manufacturers shall at their own expense submit one sample of their mailbox or accessory to an independent laboratory for testing along with a copy the preliminary review letter from the USPS. See Appendix A for a list of USPS approved independent test labs. Manufacturers with more than one unique model shall have each one tested independently. Models which are generally of the same size, shape, and material of previously approved designs but only have different decorative features (*i.e.* color scheme and surface contours) are not considered unique and do not require any testing. Manufacturers seeking approval of models that are not unique shall submit documentation for each model in accordance with section 4.1.3.2. This documentation will be reviewed and the proposed model will either be approved or disapproved (see section 5). The USPS may request manufacturer to submit one sample of the proposed model.

4.1.3 Final Review

Manufacturers shall submit one sample mailbox or accessory to the USPS for final review and approval. The sample shall be accompanied with a certificate of compliance and a copy of the laboratory test results (see 4.1.3.3). Mailboxes submitted to the USPS (see 1.3.2) for final evaluation must be identical in every way with the mailboxes to be marketed, and must be marked as specified in 3.8. Manufacturers may be subject to a verification of their quality system prior to approval. This may consist of a review of the manufacturer's quality manual (see 4.1.3.4) and an on-site quality system evaluation (see 3.1).

4.1.3.1 Instructions

Submit a copy of the instructions conforming to 3.12 including the statement concerning locks in 3.6.

4.1.3.2 Documentation

The unit submitted for approval shall be accompanied by one complete set of manufacturing drawings consisting of black on white prints (blueprints or sepia are unacceptable). The drawings shall be dated and signed by a manufacturer's representative(s). The drawings must completely document and represent the design of the unit tested. The drawings must include sufficient details to allow the USPS to inspect all materials, construction methods, processes, coatings, treatments, finishes (including paint types and colors), control specifications, parts and assemblies used in the construction of the unit. Additionally, the drawings must fully describe any purchased materials, components and hardware including their respective finishes. The USPS may request individual piece parts to verify drawings.

4.1.3.3 Certification of Compliance & Test Results

Manufacturers shall furnish a written certificate of compliance indicating that their design fully complies with the requirements of this specification. In addition, the manufacturer shall submit the lab's original report which clearly shows results of each test conducted (see Table III). The manufacturer bears all responsibility for their unit(s) meeting these requirements and the USPS reserves the right to retest any and all units submitted including those which are available to the general public.

TABLE III.—TEST REQUIREMENTS

Test	Requirement	Reference	Applicable document
Capacity	Insertion of test gauge	3.15.1	
Operational Requirements	7,500 cycles	3.15.2	
Water-Tightness	No appreciable moisture	3.15.3	UL 771, Section 47.7
Salt Spray Resistance	25 cycles	3.15.4	ASTM G85
Abrasion Resistance	75 liters	3.15.5	ASTM D968
Temperature Stress Test	Shall function between −65 °F and 140 °F	3.15.6	
Structural Rigidity Requirements.	Refer to Table I for loads and points, maximum ⅛ inch permanent deformation.	3.15.7	
Impact Test	10 lbs. dropped from 3 feet	3.15.8	

4.1.3.4 Quality Assurance Manual

Manufacturer shall submit its quality policy manual. The manual should be structured in accordance with ISO 10013 and with the requirements of ISO 9002.

5. APPROVAL OR DISAPPROVAL

5.1 Disapproval

Written notification, including reasons for disapproval, will be sent to the manufacturer within 30 days of completion of the final review of all submitted units. All correspondence and inquiries shall be directed to the address listed in 1.3.2.

5.1.1 Disapproved Mailboxes

Mailboxes disapproved will be disposed of in 30 calendar days from the date of the written notification of disapproval or returned to the manufacturer, if requested, provided the manufacturer pays shipping costs.

5.2 Approval

One set of manufacturing drawings with written notification of approval will be returned to the manufacturer. The drawings will be stamped and identified as representing each unit.

5.2.1 Approved Mailboxes

Mailboxes that are approved will be retained by the USPS.

5.2.2. Rescission

Manufacturer's production units shall be constructed in accordance with the identified (stamped) drawings and provisions of this specification and be of the same materials, construction, coating, workmanship, finish, etc. as the approved units. Within 60 days upon

sale of their approved mailbox to the public, manufacturers shall submit one production unit to the USPS office listed in 1.3.2. The USPS reserves the right at any time to examine and retest units obtained either in the general marketplace or from the manufacturer. If the USPS determines that a mailbox model is not in compliance with this standard or is out of conformance with approved drawings, the USPS may, in its discretion, rescind approval of the mailbox model as follows:

5.2.2.1 The USPS shall provide written notification to the manufacturer that a mailbox model is not in compliance with this standard or is out of conformance with approved drawings. Notification shall include specific reasons the mailbox model is noncompliant or out of conformance, and shall be sent via registered mail.

5.2.2.2 If the USPS determines that the noncompliance or nonconformity constitutes a danger to the health or safety of postal carriers, the USPS may, in its discretion, immediately rescind approval of the mailbox model. In addition, the USPS may, in its discretion, order that production of the mailbox model cease immediately, and that any existing inventory not be sold for use as curbside mailboxes in the United States of America.

5.2.2.3 In all cases of noncompliance or nonconformity other than those determined to constitute a danger to the health or safety of postal carriers, the manufacturer shall confer with the USPS and shall submit one sample of the corrected mailbox to the USPS for approval no later than 45 calendar days after receipt of the notification described in 5.2.2.1.

5.2.2.4 The USPS shall respond to the manufacturer in writing, via registered mail, no later than 30 calendar days after receipt of the sample corrected mailbox with a determination of whether the manufacturer's submission is accepted or rejected and with specific reasons for the determination.

5.2.2.5 If the USPS rejects the corrected mailbox, the manufacturer may submit a second sample of the corrected mailbox to the USPS for approval no later than 45 calendar days after receipt of the notification described in 5.2.2.4.

5.2.2.6 The USPS shall respond to the manufacturer in writing no later than 30 calendar days after receipt of the second sample corrected mailbox with a determination of whether the manufacturer's submission is accepted or rejected and with specific reasons for the determination. If the second submission is rejected, the USPS may, in its discretion, rescind approval of the mailbox model. In addition, the USPS may, in its discretion, order that production of the mailbox model cease immediately, and that any existing inventory not be sold for use as curbside mailboxes in the United States of America. If the USPS rescinds approval, the manufacturer is not prohibited from applying for a new approval pursuant to the provisions of Section 4.

5.2.3 Revisions, Product or Drawings

Changes which affect the form, fit, and/or function (*i.e.* dimensions, material, finish) of approved products or drawings shall not be made without written approval from the USPS. Any proposed changes shall be submitted with the affected documentation, reflecting the changes (including a notation in the revision area) and a written explanation of the changes. One unit, incorporating the changes, may be required to be resubmitted for testing and evaluation for approval.

5.2.3.1 Revisions, Manufacturer Structure

If any substantive part of the approved manufacturer's structure change from what existed when the manufacturer became approved, the manufacturer shall notify the USPS and may be subject to a re-evaluation of product or quality system. Examples of substantive structural changes are: change in executive or quality management; major change in quality policy or procedures; relocation of manufacturing facilities; major equipment or manufacturing process change (*e.g.,* outsourcing vs. in-plant fabrication); etc. Notification of such changes will be to the address in paragraph 1.3.2.

5.2.4 Product Brochure

Within 60 days upon sale to public, manufacturers shall submit one copy of their product(s) brochure(s) representing approved mailbox design(s) to the address listed in 1.3.2 and to: USPS, Delivery Policy & Programs, 475 L'Enfant Plaza, Rm 7142, Washington, DC 20260–0004

6. NOTES

6.1

Mailboxes intended to be used in delivery to customer's doors are not currently ''approved'' by the United States Postal Service as referenced in this standard. However, it is recommended that these boxes conform to the intentions of this specification, particularly the safety of the carrier/customer and the protection of the mail. Local postmaster shall be contacted prior to installation and use of any door mailbox.

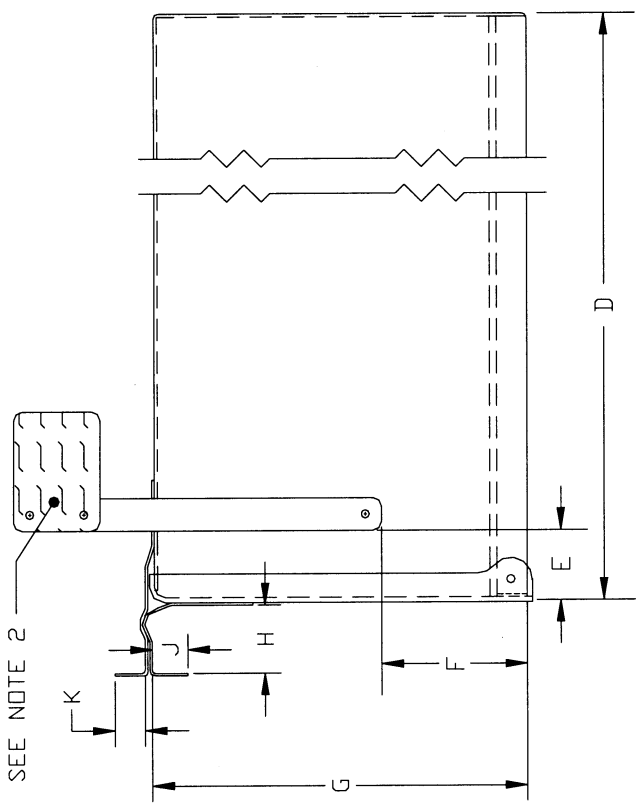
6.2

The United States Postal Service does not approve mailbox posts or regulate mounting of mailboxes other than the requirements specified in sections 3.11 and 3.12. Please note that mailbox posts are often subject to local restrictions, state laws and federal highway regulations. Further information may be obtained from:

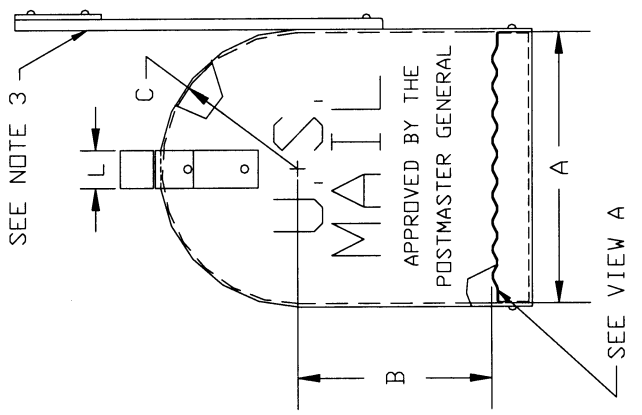
American Association of State Highway & Transportation Officials, 444 N. Capitol St. NW, Suite 249, Washington, D.C. 20001–1512

Federal Highway Administration, Office of Highway Safety, HHS–10, 400 7th St., SW, Washington, DC 20590–0003

BILLING CODE 7710–12–P



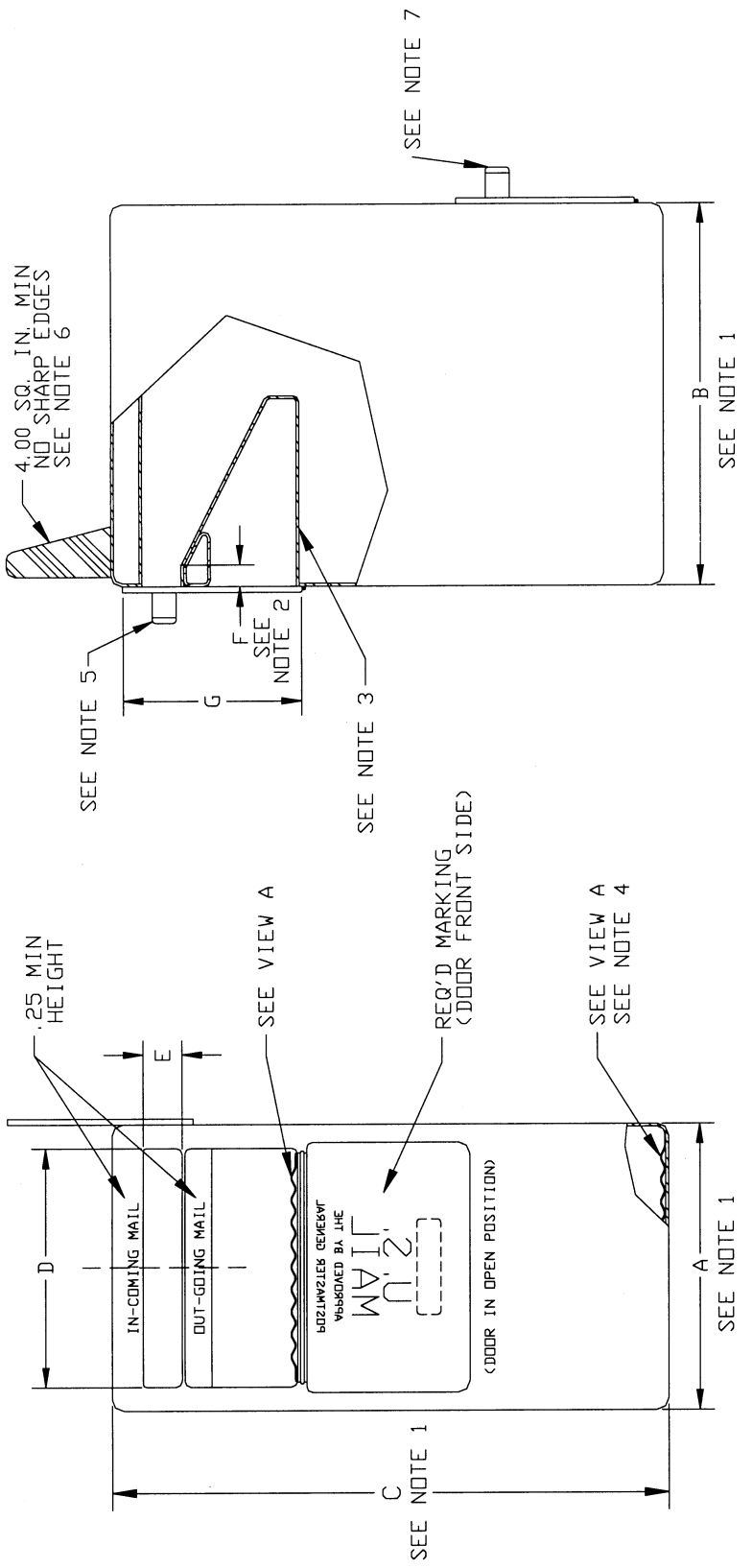
NOTES:
1.) DIMENSIONS A,B,C,&D ARE INTERIOR.
2.) SIGNAL PORTION OF FLAG (4 SQ. IN. MIN) ABOVE TOP SURFACE OF BOX.
3.) NO SHARP EDGES.



DIM	MIN	MAX	DIM	MIN	MAX
A	6.25	11.00	G	6.00	15.00
B	4.50	8.25	H	1.00	2.12
C	3.12R	5.50R	J	1.00	2.00
D	18.56	22.81	K	.50	.87
E	–	2.00	L	.87	1.25
F	3.75	8.50			

UNITS: INCHES

TRADITIONAL MAILBOX
FIGURE 1

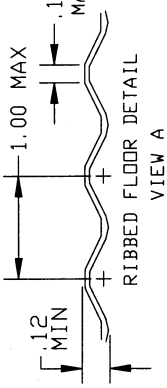


NOTES:

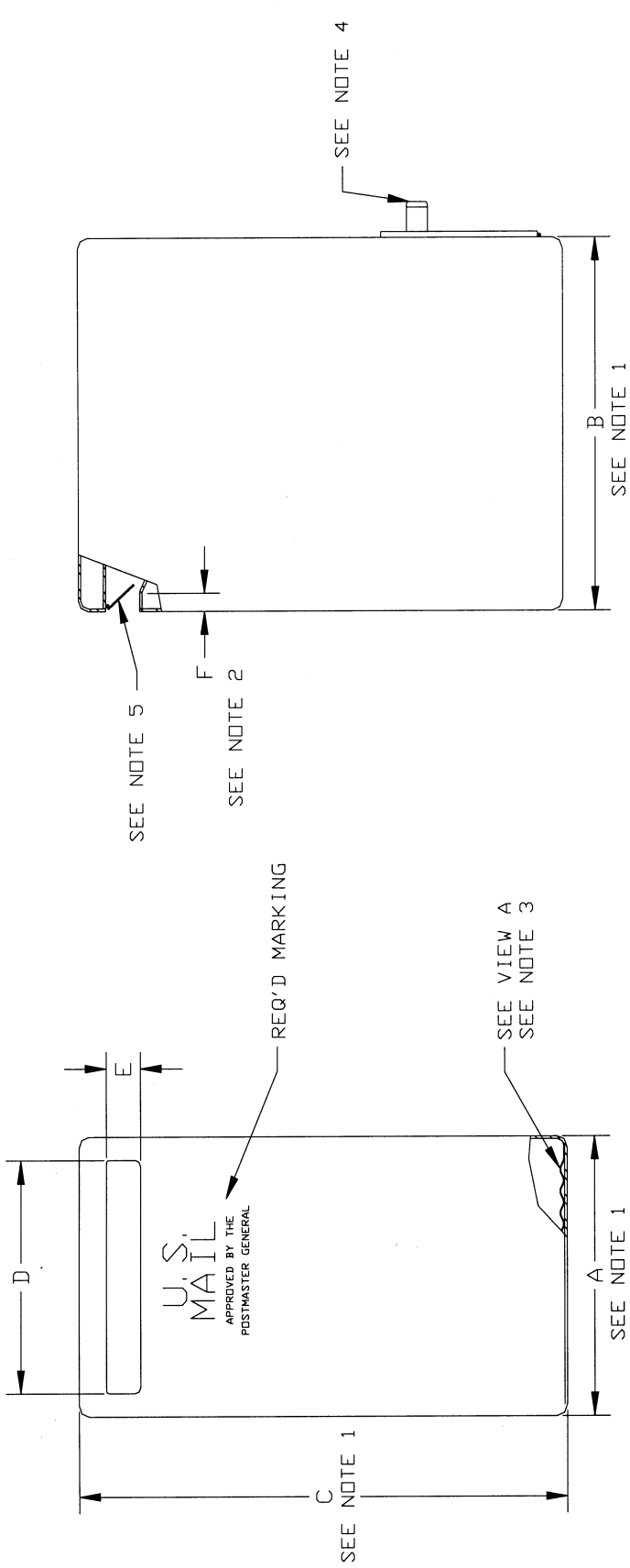
1.) DIMENSIONS A, B, & C DETERMINED BY MANUFACTURER, BUT MUST PASS CAPACITY TEST.
2.) MAXIMUM SET-BACK FOR SLOT IS 2.00" WHEN MEASURED FROM FRONT WALL OF THE MAILBOX.
3.) COMPARTMENT MUST BE LARGE ENOUGH TO ACCOMMODATE SEVERAL 9.50"L X 4.25"H LETTERS. LETTERS CAN BE PLACED ON BACKSIDE OF THE CARRIER SERVICE DOOR ELIMINATING NEED FOR AN OUT-GOING MAIL COMPARTMENT PROVIDED MAIL DOES NOT FALL OUT WHEN DOOR IS OPENED.
4.) A MAT INSERT AND OTHER FORMING TECHNIQUES ARE ACCEPTABLE.
5.) HANDLE SHALL BE POSITIONED WITHIN TOP 1/3 OF CARRIER SERVICE DOOR AND PROVIDE 1.00" MINIMUM FINGER CLEARANCE.
6.) FRONT EDGE OF FLAG MUST NOT BE SET BACK MORE THAN 2.00" WHEN MEASURED FROM FRONT WALL OF MAILBOX.
7.) OPTIONAL LOCATION OF CUSTOMER ACCESS DOOR.

DIM	MIN	MAX
A	–	–
B	–	–
C	–	–
D	10.00	–
E	1.75	–
F	–	2.00
G	–	15.00

UNITS: INCHES



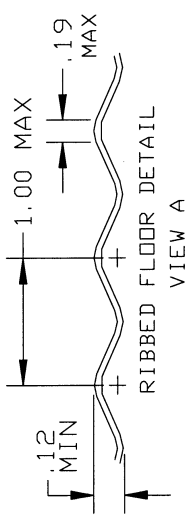
LOCKED MAILBOX (FULL SERVICE)
FIGURE 2



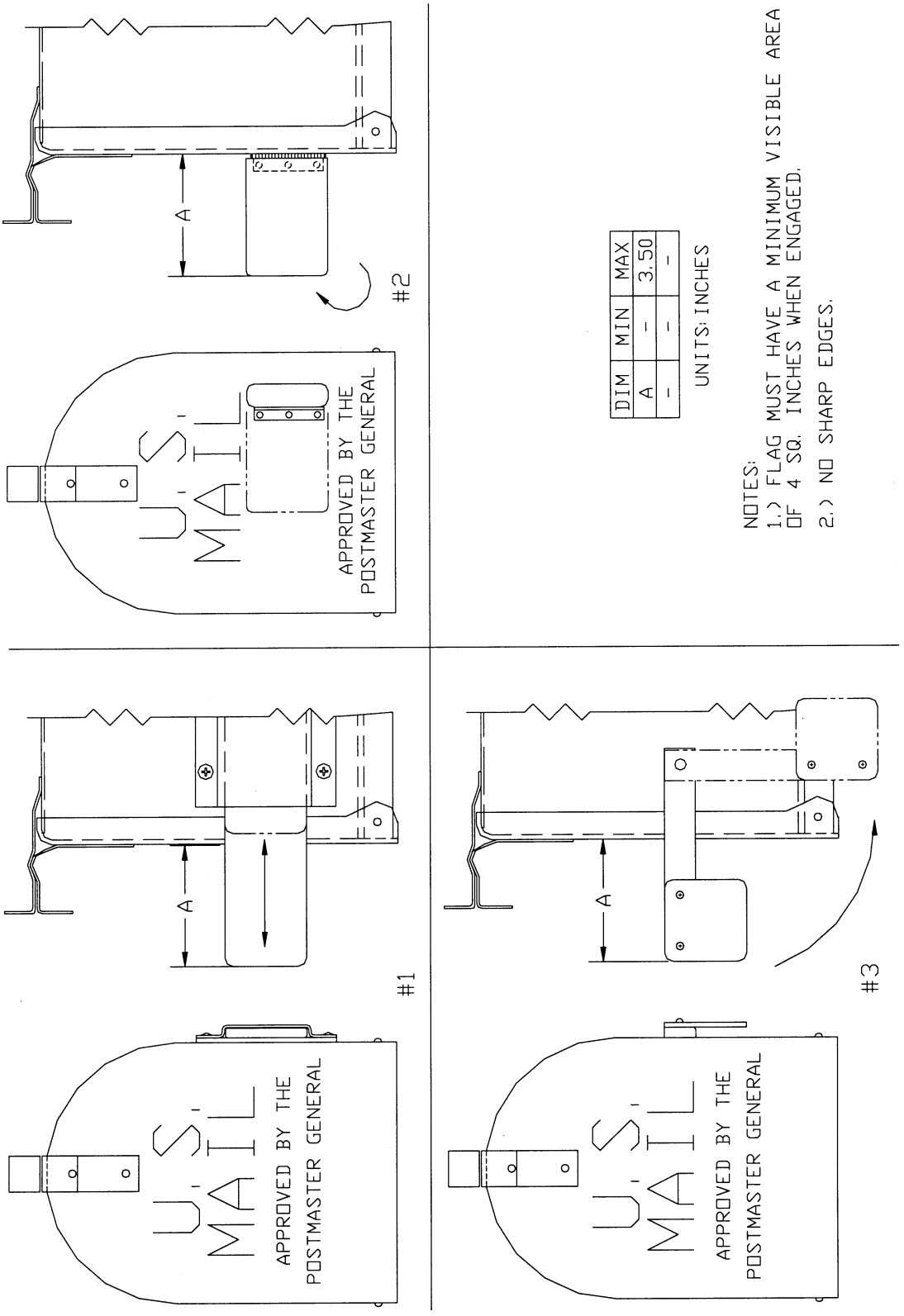
NOTES:
1.) DIMENSIONS A, B, & C DETERMINED BY MANUFACTURER.
2.) MAXIMUM SET-BACK FOR SLOT IS 2.00" FROM FRONT WALL OF THE MAILBOX.
3.) A MAT INSERT AND OTHER FORMING TECHNIQUES ARE ACCEPTABLE.
4.) OPTIONAL LOCATION OF CUSTOMER ACCESS DOOR.
5.) IF SLOT HAS A PROTECTIVE FLAP IT MUST OPERATE INWARD. IT IS PREFERRED THAT SLOT BE LOCATED BEHIND A CARRIER SERVICE DOOR.

DIM	MIN	MAX
A	-	-
B	-	-
C	-	-
D	10.00	-
E	1.75	-
F	-	2.00

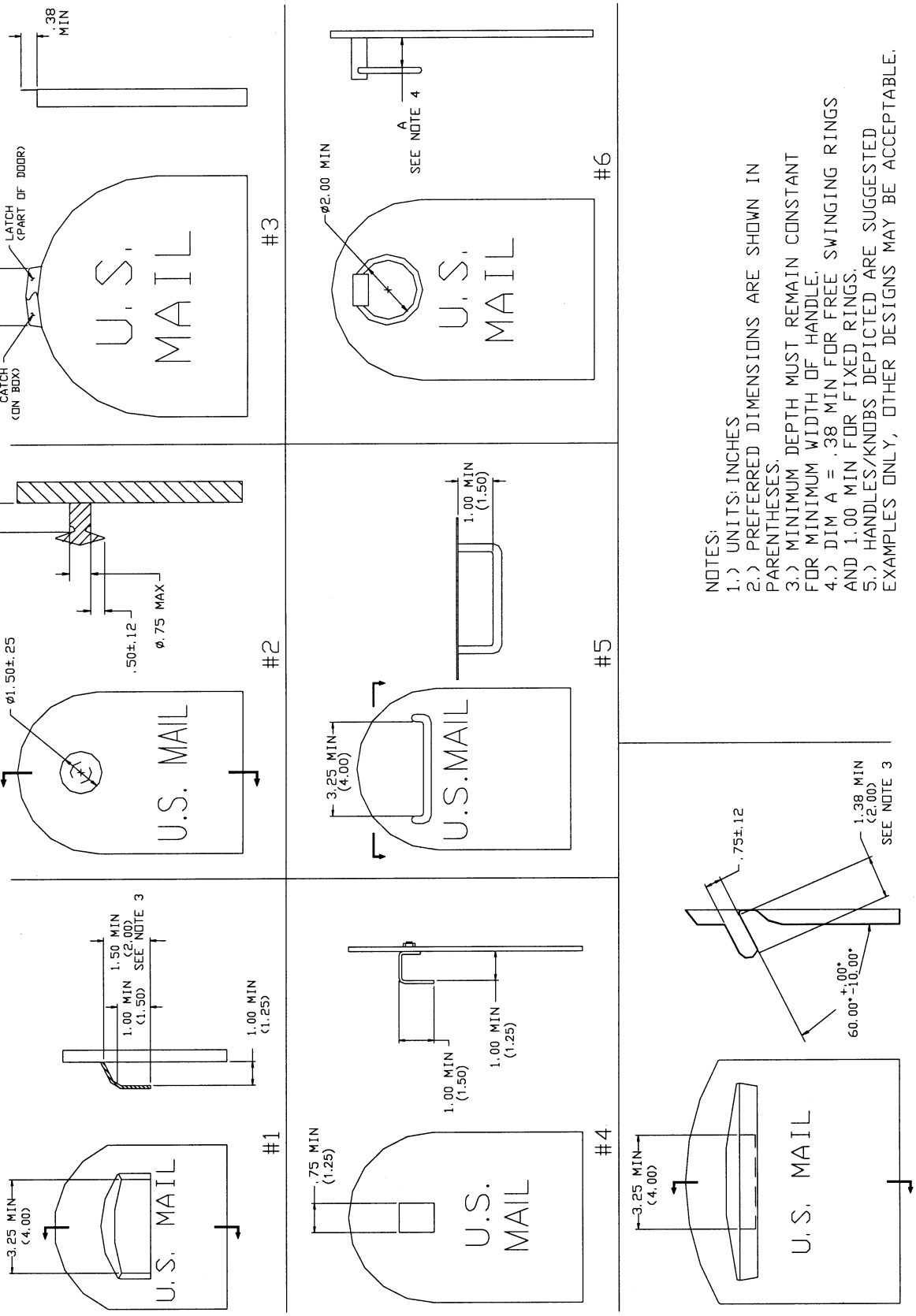
UNITS: INCHES



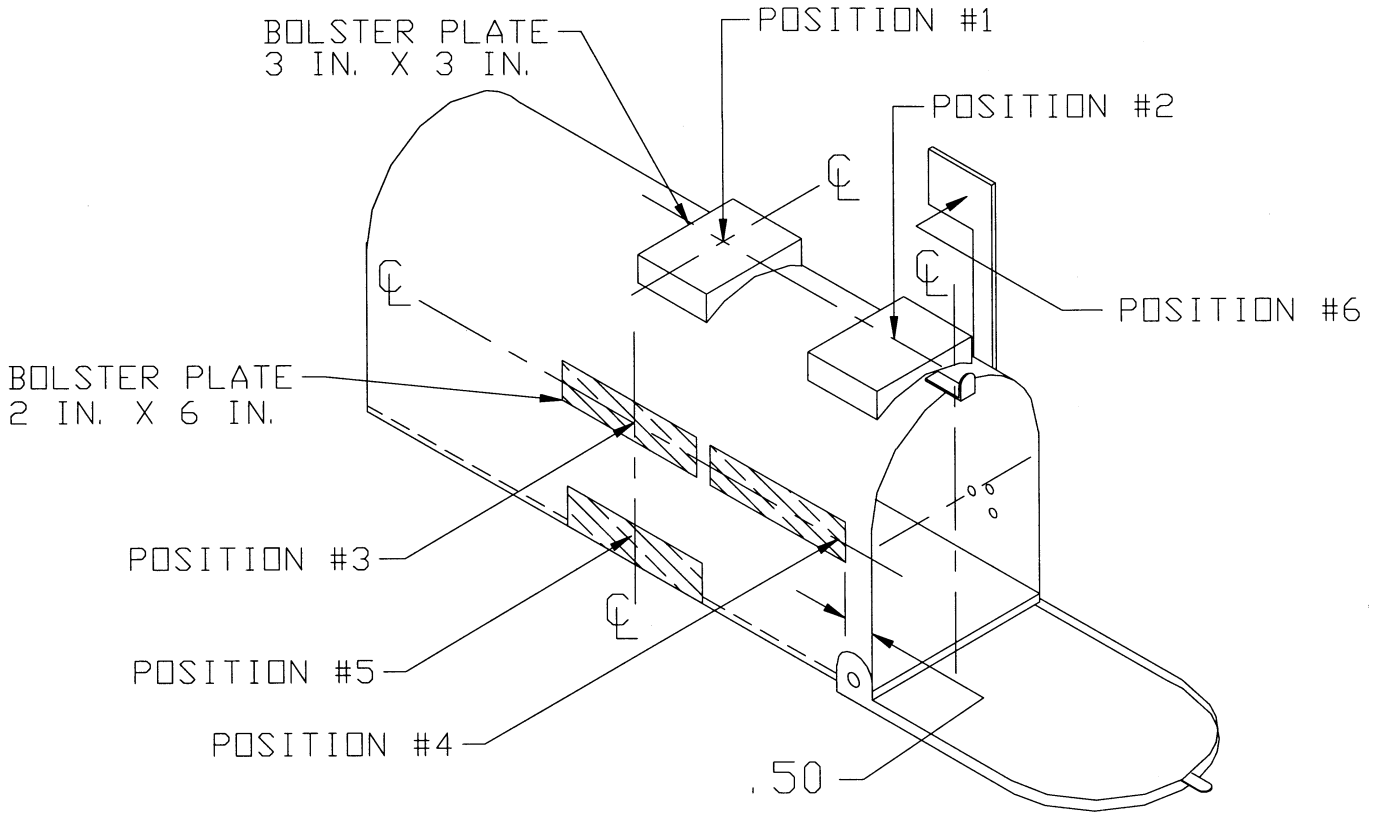
LOCKED MAILBOX (LIMITED SERVICE)
FIGURE 3



ALTERNATIVE FLAG DESIGNS
FIGURE 4



HANDLE/KNOB DESIGNS
FIGURE 5



DIRECTION OF LOADS
FIGURE 6

Appendix A—USPS Approved Independent Test Laboratories

(1) ACTS Test Labs, Contact: Dennis Maclaughlin, Phone: 716–505–3547 Fax: 716–505–3301, 100 Northpointe Parkway, Buffalo, NY 14228–1884.

(2) The Coatings Lab, Contact: Tom Schwerdt, Phone: 713–981–9368 Fax: 713–776–9634, 10175 Harwin Drive, Suite 110, Houston, TX 77036.

(3) Ithaca Materials Research & Testing, Inc. (IMR), Contact: Jeff Zerilli, Vice President, Phone: 607–533–7000, Lansing Business and Technology Park, 31 Woodsedge Drive, Lansing, NY 14882.

(4) Independent Test Laboratories, Inc., Contact: Robet Bouvier, Phone: 800–962-Test Fax: 714–641–3836, 1127B Baker Street, Costa Mesa, CA 92626.

(5) Environ Labs L.L.C., Contact: Chuck Mapes, Phone: 1–800–826–3710, Fax: 612–888–6345, 9725 Girard Ave S., Minneapolis, MN 55431.

(6) Midwest Testing Laboratories, Inc., Contact: Cherie Ulatowski, Phone: 248–689–9262, Fax: 248–689–7637, 1072 Wheaton, Troy, MI 48083.

Note: Additional test laboratories may be added provided they satisfy USPS certification criteria. Interested laboratories should contact: USPS, Engineering, Test Evaluation & Quality, 8403 Lee Highway, Merrifield, VA 22082–8101.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 01–2232 Filed 2–7–01; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD106–3063; FRL–6922–7]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonably Available Control Technology for Oxides of Nitrogen

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maryland. This revision requires major sources of nitrogen oxides (NO_X) in the State of Maryland to implement reasonably available control technology (RACT).

This action is being taken in accordance with the Clean Air Act.

EFFECTIVE DATE: This final rule is effective on March 12, 2001.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224.

FOR FURTHER INFORMATION CONTACT: Kelly L. Bunker, (215) 814–2177 or by e-mail at bunker.kelly@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), Maryland is required to implement RACT for all major NO_X sources by no later than May 31, 1995. The definition of a major source is determined by its size, location, the classification of that area and whether it is located in the ozone transport region (OTR), which is established by the CAA. The entire State of Maryland is included in the OTR. The Baltimore nonattainment area and Cecil County are classified as severe nonattainment areas. Calvert, Charles, Frederick, Montgomery and Prince George's Counties are classified as serious ozone nonattainment areas. The remaining counties in Maryland are classified as marginal or in attainment. However, under section 184 of the CAA, at a minimum, moderate area requirements for stationary sources, including RACT as specified in sections 182(b)(2) and 182(f), apply throughout the OTR. Therefore, RACT is applicable statewide in Maryland. Section 182 of the Act defines a major NO_X source as one that emits or has the potential to emit 25 or more tons of NO_X per year (TPY) in any ozone nonattainment area classified as severe, or 50 or more TPY located in any ozone nonattainment area classified as serious. For any area in the OTR classified as attainment or marginal nonattainment, sections 182 and 184 of the Act define a major stationary source of NO_X as one that emits or has the potential to emit 100 or more TPY.

On July 11, 1995, the Maryland Department of the Environment (MDE) submitted a revision to its State Implementation Plan (SIP) for the control of NO_X emissions from major sources. This submittal included revisions to regulation COMAR 26.11.09.01 and 26.11.09.08 which pertained to definitions and a ''generic'' NO_X RACT rule. This generic rule required affected sources to either meet a presumptive NO_X emissions standard or to submit a ''case-by-case'' RACT proposal for approval by MDE. In all cases, under this regulation, RACT requirements were to have been met by no later than May 31, 1995. On June 22, 1999 (64 FR 33197), EPA granted conditional limited approval of this SIP revision. Under EPA's conditional limited approval, each case-by-case RACT determination was to have been submitted to EPA as a SIP revision. Many sources in Maryland invoked the provisions of the generic rule, submitted case-by-case RACT determinations and complied with them by May 31, 1995. However, the State of Maryland found that to meet EPA's condition by processing these numerous case-by-case RACT determinations as SIP revisions to be unduly burdensome. Therefore, on September 8, 2000, Maryland submitted a SIP revision. It consisted of a revised version of COMAR 26.11.09.08 which removed the ''generic'' RACT provisions and replaced them with source category specific RACT emission limitations. The submittal of the September 8, 2000, SIP revision satisfies the conditions of EPA's June 22, 1999 conditional limited approval. Maryland first revised COMAR 26.11.09.08 on September 22, 1999 and further revised it on August 30, 2000. These revisions to COMAR 26.11.09.08 became effective in the State of Maryland on October 18, 1999, and September 18, 2000, respectively. Its provisions are to be complied with at all times and it provides no extension of the CAA mandated RACT compliance date of May 31, 1995.

The September 8, 2000, SIP revision is the subject of this action. The September 8, 2000, submittal included the new version of regulation, COMAR 26.11.09.08, which requires major sources of NO_X throughout the entire State of Maryland to comply with RACT requirements, and which adds the definition for the term ''high heat release unit'' to COMAR 26.11.09.01.

On October 19, 2000 (65 FR 62668), EPA published a notice of proposed rulemaking (NPR) for the Maryland NO_X RACT regulations proposing to approve the September 8, 2000 SIP revision. That NPR provided for a public comment period ending on November 9, 2000. On November 9, 2000 (65 FR 67319), EPA published a notice extending the comment period to November 20, 2000. Other specific requirements of Maryland's NO_X RACT regulation and the rationale for EPA's action are explained in the NPR and will not be restated here.

II. Public Comments and Response

Pursuant to its October 19, 2000 NPR, EPA received one letter of comment from the EarthJustice Legal Defense Fund. A summary of EarthJustice's comments and EPA's responses are provided below.

Comment: The commenter asserts that the State's and EPA's technical support documents (TSDs) fail to justify the RACT determinations made for each source category because the TSDs lack an analysis which examines available NO_X controls used in Maryland and elsewhere and selects one or more technologies that provide the lowest emission limitation reasonably available considering technological and economic feasibility.

Response: EPA disagrees with the commenter. The State of Maryland's submittal includes two TSDs, one dated June 30, 1999 and a revised TSD dated August 3, 2000. These TSDs explain the background of the former case-by-case generic rule and the rationale for its evolution to a regulation that imposes source category specific RACT requirements for major sources of NO_X. They also contain an explanation for the RACT requirements selected for each source category. Moreover, the preamble of Notice of Proposed Action published in the Maryland Register (Vol. 26, Issue 15, Friday, July 16, 1999) states that the source category specific RACT standards are, in many cases, based upon the information developed by the subject sources as part of the earlier case-by-case process. Many of these source-specific RACT determinations submitted to the Maryland Department of the Environment contain detailed analyses for their RACT determinations. Those submittals were reviewed and commented upon by both the Maryland Department of the Environment (MDE) and EPA. They are referenced in Maryland's rulemaking notices amending COMAR 26.11.09.08, which were made available for public inspection during the State's public comment periods on the revisions to COMAR 26.11.09.08 at MDE's offices in Baltimore, Maryland. With regard to the comments made about EPA's TSD in support of its rulemaking, EPA believes it has fulfilled its obligations. EPA did not attempt to complete a new and independent RACT analysis for the sources to which this rulemaking pertains. However, EPA did review the RACT provisions of Maryland's revised regulation to determine if the RACT requirements appeared to be reasonable

and consistent with RACT requirements for similar sources and source-categories.

Comment: The commenter asserts that the State's RACT emission limits for electric generating units is much higher than the OTC Phase II emission limits, which is the less stringent of 0.2 lb/MMBtu or a 65% reduction. EPA estimates that the Phase II reductions will be achieved at a cost of $1,600 per ton—well below the $2,500 benchmark used by the State. The commenter contends that EPA cannot approve the State's emission limits as RACT when lower limits are achievable at costs consistent with RACT.

Response: EPA disagrees with the commenter that Maryland must, in effect, declare that the Phase II emission limits of the OTC's Memorandum of Agreement (MOU) are needed to comply with RACT requirements for controlling NO_X from electric generating units in Maryland. The compliance date for RACT is and remains May 31, 1995. The model rule developed by the OTC to implement Phase II of its MOU calls for compliance by May 1, 1999. Simply because Maryland has revised its previously SIP-approved NO_X RACT rule to include category specific RACT limits to avoid the need to process case-by-case RACT determinations as SIP revisions in no way provides for the State to grant a compliance date extension or requires that it redefine RACT as it may otherwise be determined were the compliance date May 1, 1999 instead of May 31, 1995.

Moreover, on October 19, 2000, the very same day as EPA proposed approval of Maryland's September 8, 2000 SIP revision to amend its NO_X RACT rule, EPA also proposed approval of Maryland's regulation to implement Phase II of the OTC's MOU (65 FR 62671). On August 28, 1998, Maryland submitted a revision to its SIP to implement Phase II of the OTC's NO_X MOU. The revision consists of amendments to COMAR 26.11.27, Post RACT Requirements for NO_X Sources (NO_X Budget Program) and COMAR 26.11.28, Polices and Procedures Relating to Maryland's NO_X Budget Program. Post RACT Requirements for NO_X Sources, COMAR 26.11.27, is divided in fourteen sections: (.01) Definitions; (.02) Incorporation by Reference; (.03) Applicability; (.04) General Requirements; (.05) Allowance Allocations; (.06) Identification of Authorized Account Representatives; (.07) Allowance Banking; (.08) Emission Monitoring; (.09) Reporting; (.10) Record Keeping; (.11) End-of-Season Reconciliation; (.12) Compliance Certification; (.13) Penalties; (.14) Audit. Polices and Procedures Relating to Maryland's NO_X Budget Program, COMAR 26.11.28, is divided in thirteen sections: (.01) Scope; (.02) Definitions; (.03) Procedures Relating to Compliance Accounts; (.04) Procedures Relating to General Accounts; (.05) Allowance Banking, (.06) Allowance Transfer; (.07) Emissions Monitoring; (.08) Early Reduction Allowances; (.09) Opt-in Procedures; (.10) Audit Provisions; (.11) Allocations to Units in Operation in 1990; (.12) Allocations to Budget Sources Beginning Operation or for Which a Permit Was Issued After 1990 and Before January 1, 1998; (.13) Percent Contribution of Budget by Company. On November 16, 1999, MDE submitted amendments to its August 28, 1998 SIP revision request. The purpose of these amendments is to change the compliance date of the Maryland NO_X Budget Program from May 1, 1999 to May 1, 2000. The revisions to the August 28, 1998 submittal include amendments to Regulations (.04) General Requirements, (.07) Allowance Banking, and (.11) End-of-Season Reconciliation under COMAR 26.11.27 and the repeal of Regulation (.08) Early Reduction Allowances under COMAR 26.11.28. On March 20, 2000, MDE submitted amendments to its August 28, 1998 SIP revision request consisting of two enforceable consent agreements between MDE and the Baltimore Gas and Electric Company and the Potomac Electric Power Company. These consent agreements impose special conditions and time lines for both companies regarding the implementation of Maryland's NO_X Budget Trading Program requirements.

A more detailed description of Maryland's NO_X Budget Trading Program requirements, the two consent agreements and EPA's rationale for approving them as a SIP revision are provided in the October 19, 2000 NPR (65 FR 62671) and its accompanying Technical Support Document (TSD) prepared for that rule. EPA received no comments on its October 19, 2000 NPR to approve Maryland's SIP revision to implement Phase II of the OTC NO_X MOU. The final rule approving that SIP revision was signed on December 1, 2000 and was published in the **Federal Register** on December 15, 2000. Therefore, as of this time, and in substance, the commenter's contention that electric generating units in Maryland be required to meet the Phase II emission limits of the OTC's NO_X MOU has been satisfied.

Comment: The commenter asserts that for the source categories found in the revised version of COMAR 26.11.09.08 at E, F, G, I (1) and (2) and J, RACT was determined to be good management and operating practices, combustion analyses and operator training. The commenter contends that to the extent that the State is imposing these work practice requirements in lieu of numeric emission limits, the regulation represents a weakening of the current rule which sets presumptive numeric emission limits for all of these categories. The commenter cautions that this may violate the Act's antibacksliding provision, 42 U.S C. 7515. The commenter goes on to say that other states have set numeric NO_X RACT emission limits for the same or similar source categories. The commenter contends that the State and EPA must show that they will assure the same or better degree of emission control as the State's current presumptive limits and numeric RACT limits in other States, or demonstrate why such limits do not represent RACT for any sources in Maryland. Finally, the commenter argues that the State and EPA have failed to explain why the use of emission control devices such as selective catalytic reduction (SCR) or selective non-catalytic reduction (SNCR) are not RACT for these sources. According to data compiled by the Institute of Clean Air Companies (ICAC), SCR is used by sources elsewhere to reduce NO_X emissions from industrial furnaces and small boilers (See ICAC White Paper: SCR Control of NO_X Emissions (11/97)) and SNCR is used at three glass furnaces in California and one in Germany (See ICAC White Paper: SNCR for Controlling NO_X Emissions (10/97)).

Response: EPA disagrees with the assertions of the commenter. While the current SIP-approved version of COMAR 26.11.09.08 does contain presumptive numerical limits, it concurrently also contains generic provisions for sources to submit and be approved for case-by-case RACT determinations. As Maryland's SIP-approved NO_X RACT regulation has always provided for sources to seek and be approved for case-by-case RACT determinations versus meeting the regulation's otherwise presumptive emission limitation, Maryland's revising the regulation to simply include source category specific RACT requirements based upon case-by-case RACT determinations it has made does not weaken that current SIP-approved regulation and certainly does not violate the CAA's antibacksliding provision. Again, Maryland's September 8, 2000 SIP revision explains that the source-category RACT requirements are derived, in part, from case-by-case

RACT proposals submitted by sources, including those subject under COMAR 26.11.09.08 E, F, G, I (1) and (2) and J. The sources in Maryland covered under COMAR 26.11.09.08 E, F, G, I (1) and (2) and J all provided information to the Maryland MDE justifying why the presumptive limit of COMAR 26.11.09.08 did not constitute RACT in accordance with the provisions for doing so found in that same SIP-approved regulation. Maryland analyzed that information submitted pursuant to the case-by-case provisions and determined RACT for these sources. Therefore, when it amended COMAR 26.11.09.08 to include source category RACT requirements to avoid the need to process the case-by-case RACT determinations as SIP revisions, Maryland simply included its RACT determinations for these sources by their source categories in the revised regulation at COMAR 26.11.09.08 E, F, G, I (1) and (2) and J. EPA has approved RACT SIP regulations for other States in which NO_X RACT for small combustion units is defined as work practice standards such proper operation and maintenance or an annual evaluation and adjustment of the combustion process. For example, EPA has approved provisions in Pennsylvania's RACT SIP regulations which define RACT for combustion units with a rated heat input equal to or greater than 20 MMBTU/hour and less than 50 MMBTU/hour as an annual adjustment or tune-up on the combustion process, and which define RACT for combustion units with a rated heat input of less than 20 MMBTU/hour as proper operation and maintenance. EPA approved these provisions in Pennsylvania's RACT SIP regulations because Pennsylvania had ''provided information stating that there are no technically or economically feasible controls.'' With regard to the comment that Maryland and EPA must justify in their rulemakings amending previously SIP-approved COMAR 26.11.09.08 as to why SCR and NSCR are not RACT for these types of sources, EPA disagrees. As explained previously, on July 11, 1995, the Maryland Department of the Environment (MDE) submitted a revision to its State Implementation Plan (SIP) for the control of NO_X emissions from major sources. This submittal included revisions to regulation COMAR 26.11.09.01 and 26.11.09.08 which pertained to definitions and a ''generic'' NO_X RACT rule. This generic rule required affected sources to either meet a presumptive NO_X emissions standard or to submit a ''case-by-case'' RACT determination for approval by MDE. In all cases, under this regulation, RACT requirements were to have been met by no later than May 31, 1995. On June 22, 1999 (64 FR 33197), EPA granted conditional limited approval of this SIP revision. Under EPA's conditional limited approval, each case-by-case RACT determination was to have been submitted to EPA as a SIP revision. Many sources in Maryland invoked the provisions of the generic rule, submitted case-by-case RACT determinations by the date the rule required they do so, and complied with them by May 31, 1995. However, the State of Maryland found that processing these numerous case-by-case RACT determinations as SIP revisions to satisfy EPA's condition was unduly burdensome. Therefore, on September 8, 2000, Maryland submitted a SIP revision. It consisted of a revised version of COMAR 26.11.09.08 which removed the generic RACT provisions and replaced them with source category specific RACT emission limitations. Its provisions are to be complied with at all times and it provides no extension of the CAA mandated RACT compliance date of May 31, 1995. The revisions to COMAR 26.11.09.08 submitted on September 8, 2000, were made to satisfy EPA's June 22, 1999 (64 FR 33197) conditional limited approval of COMAR 26.11.09.08 and to remove the burden of processing RACT determinations as case-by-case SIP revisions. EPA does not believe that by making these amendments to COMAR 26.11.09.08 to satisfy the June 22, 1999 (64 FR 33197) final conditional limited approval, Maryland is required to re-evaluate and redefine RACT. Moreover, the SCR and SNCR related documents cited by the commenter are dated 1997, well beyond both the CAA's mandated date for determining RACT and its mandated May 31, 1995 date for complying with RACT.

As a point of information, EPA further notes that the 1990 total NO_X emission inventory for the entire State of Maryland is 1056.4 tons per day. The 1990 statewide point source NO_X total is 559.2 tons/day. The total emissions of NO_X from Maryland sources covered under 26.11.09.08 E, F, G, I (1) and (2) and J equal 2% of the point source NO_X inventory and 1% of the total NO_X inventory.

Comment: The commenter contends that the State's rationale for the cement kiln RACT limits found in COMAR 26.11.09.08 H is very sparse. The commenter argues that the State must conduct a thorough review of available control technologies, including SNCR, to determine whether the controls constitute RACT and if further emission reductions are feasible at these sources. Lastly the commenter expresses concern over the State TSD's indication that the limits are ''interim'' and that the state is deferring emission reductions until the start of the Phase III NO_X program in 2003. The commenter asserts that if the State is deferring RACT controls, such an approach is contrary to the Act's mandate for adoption of RACT in Maryland's nonattainment areas.

Response: EPA disagrees with the commenter's assertions regarding the adequacy of the State's determination of RACT for cement kilns. It is based upon an analysis of CEM data after combustion optimization. The State's TSD explains that as of the date of RACT compliance, the only combustion control device (SNCR) installed on a cement kiln operated for only a few months due to excessive operating costs. The fact that Maryland's TSD includes the statement that the RACT limits are interim until the affected sources comply with new NO_X requirements in 2003 clearly alludes to post-RACT requirements of Phase III of the OTC's MOU or those of the NO_X SIP call. In fact, Maryland's regulation responding to the NO_X SIP call was proposed for approval by EPA on October 19, 2000 (65 FR 62617), again the very same day as EPA proposed approval of the revisions to COMAR 26.11.09.08 for NO_X RACT. The final rule approving that SIP revision has been signed and has been or shortly will be published in the rules portion of the **Federal Register**.

Comment: The commenter contends that the State offers no analysis to justify why the proposed limits for municipal waste combustors found in COMAR 26.11.09.08 H constitute RACT. Among other things, the State must consider whether required use of SNCR would justify lower emission limits than those proposed.

Response: EPA disagrees with the commenter. On page 5 of its June 30, 1999 TSD and on page 4 of its August 3, 2000 revised TSD, Maryland explains that its municipal waste combustors (MWCs) are subject to prevention of significant deterioration (PSD) requirements as established under the approved SIP and the provisions of its approved section 111d/129 plan. EPA agrees that simply being in compliance with an applicable BACT determination and/or section 11d/126 plan requirement would not, in and of itself, necessarily satisfy RACT requirements to be met by May 31, 1995, particularly if the BACT or 111d/126 emission limitations had been imposed prior to the time RACT was to be determined and its compliance date met. However, under MDE's BACT determination, the

new MWC in Montgomery County has installed SNCR. The existing MWC in Maryland that is subject to RACT requirements to control NO_X is now also subject to Maryland's 111d/126 plan for the control of emissions from MWC's which was approved by EPA on April 23, 1999 (64 FR 19919). In fact, the MWC in Baltimore City has installed SNCR to meet those standards. Therefore, as of this time, and in substance, the commenter's concern related to SNCR have been satisfied.

Comment: The commenter asserts that the State offers no analysis to justify why the proposed limits for internal combustion engines found in COMAR 26.11.09.08 I constitute RACT, and must, among other things, consider whether SCR constitutes RACT for these sources.

Response: EPA disagrees with the commenter. On page 5 of its revised TSD dated August 3, 2000, Maryland provides its RACT limits for internal combustion engines and an explanation that those limits were derived from stack tests for the larger units and by applying an emission factor for the smaller units. The TSD then refers the reader to section VI. of the TSD for source-specific information. At subsection K entitled Internal Combustion Engines of section VI. of the TSD, on pages 28–30, Maryland provides specific information regarding the rationale and justification for its RACT determinations for companies which operate internal combustion engines. EPA has reviewed the State's rationale and believes it meets the requirements of the CAA.

Comment: The State submittal does not provide commitments of adequate funding and personnel to implement and enforce the NO_X RACT rules and does not detail a program for enforcement of the rules.

Response: EPA disagrees with the commenter's assertion that states must provide such information with each SIP revision. Although 42 U.S.C. 7410(a)(2)(E) and 7410(a)(2)(C) do contain these provisions cited by the commenter, section 7410(a)(2)(H) is the statutory provision which governs requirements for individual plan revisions which States may be required to submit from time to time. There are no cross-references in section 7410(a)(2)(H) to either 7410(a)(2)(E) or 7410(a)(2)(C). Therefore, EPA concludes that Congress did not intend to require States to submit an analysis of adequate funding and enforcement with each subsequent and individual SIP revision submitted under the authority of section 7410(a)(2)(H). Similarly, 40 CFR part 51, Appendix V contains the list of information which States must submit each plan revision in order for EPA to conduct a review of completeness under section 7410(k)(1). The list in part 51, Appendix V contains no cross-reference to or cite of the provisions 40 CFR 51.280 as a criterion for determining completeness. Thus, in following Congress' intent, EPA has further determined that the requirements of 40 CFR 51.280 do not apply to each individually-submitted State plan revision. Nevertheless, EPA notes that Maryland had previously submitted such commitments as part of the 1982 SIP for its ozone nonattainment areas. In a final rulemaking action published on March 8, 1984 (49 FR 8610), EPA approved Maryland's financial and manpower resource commitments, after having proposed approval of these commitments on February 3, 1983 (48 FR 5124 at 5052). EPA is satisfied that Maryland continues to have adequate funding and personnel to implement and enforce the current RACT rules. However, EPA does have the authority under the Act to make findings regarding implementation failures or other SIP deficiencies and take appropriate action in such situations. Should EPA find that Maryland lacks adequate resources to pursue any violation of the ozone SIP, or if Maryland's enforcement response is inadequate, EPA will take appropriate action under its Clean Air Act authority.

Comment: The commenter asserts that the Act required compliance by all sources with RACT by no later than May 31, 1995, that the RACT rules were not even submitted to EPA until the year 2000, that EPA has not specified actual compliance deadlines for the subject sources and should not approve these RACT rules without specific compliance deadlines.

Response: EPA disagrees with the commenter that there are no compliance dates established for the RACT requirements. As explained previously, on July 11, 1995, the MDE submitted a revision to its SIP for the control of NO_X emissions from major sources. This submittal included revisions to regulation COMAR 26.11.09.01 and 26.11.09.08 which pertained to definitions and a generic NO_X RACT rule which required affected sources to either meet a presumptive NO_X emissions standard or to submit a case-by-case RACT proposal for approval by MDE. In all cases, under this regulation, RACT requirements were to have been met by no later than May 31, 1995. On June 22, 1999 (64 FR 33197), EPA granted conditional limited approval of this SIP revision. The condition imposed required that all case-by-case RACT determination be submitted as SIP revisions. On September 8, 2000, Maryland submitted a SIP revision. It consisted of a revised version of COMAR 26.11.09.08 which removed the generic RACT provisions and replaced them with source category specific RACT emission limitations. Maryland chose to do this to avoid the undue burden of submitting all the case-by-case RACT determinations as source-specific SIP revisions. The submittal of the September 8, 2000, SIP revision satisfies the conditions of EPA's June 22, 1999 conditional limited approval. Maryland first revised COMAR 26.11.09.08 on September 22, 1999 and further revised it on August 30, 2000. These revisions to COMAR 26.11.09.08 became effective in the State of Maryland on October 18, 1999, and September 18, 2000, respectively. Its provisions are to be complied with at all times and it provides no extension of the CAA mandated RACT compliance date of May 31, 1995.

While not directly responsive to a specific comment, it should be noted that the 1990 total NO_X emission inventory for the entire State of Maryland is 1056.4 tons per day. The 1990 statewide point source NO_X total is 559.2 tons/day. From the 1990 baseline, Maryland's SIP-approved NO_X OTC budget rule eliminates 413.6 tons/day or reduces total NO_X by 39% and point source NO_X by 74%. From the 1990 baseline, Maryland's SIP-approved NO_X SIP call rule eliminates an additional 49.3 tons/day for a total reduction of 462.9 tons/day reducing total NO_X by a total of 44% and point source NO_X by a total of 83%.

III. Final Action

EPA is fully approving Maryland's revised NO_X RACT regulations found at COMAR 26.11.09.01 and 26.11.09.08 which were submitted as a SIP revision by the MDE on September 8, 2000. The submittal of the September 8, 2000, SIP revision satisfies the conditions of EPA's June 22, 1999 conditional limited approval. Maryland first revised COMAR 26.11.09.08 on September 22, 1999 and further revised it on August 30, 2000. These revisions to COMAR 26.11.09.08 became effective in the State of Maryland on October 18, 1999, and September 18, 2000, respectively.

IV. Administrative Requirements

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This

action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq. Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998).

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 9, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving the Maryland NO_X RACT regulations may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Reporting and recordkeeping requirements.

Dated: December 15, 2000.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

Subpart V—Maryland

2. Section 52.1070 is amended by adding paragraph (c)(155) to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(155) Revisions to the Maryland Regulations for NO_X RACT regulations submitted on September 8, 2000 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of September 8, 2000 from the Maryland Department of the Environment transmitting the Maryland NO_X RACT regulations.

(B) The Maryland NO_X RACT regulations found at COMAR 26.11.09.08, effective October 18, 1999, as revised effective September 18, 2000. This rule replaces COMAR 26.11.09.08, effective May 10, 1993, as revised effective June 20, 1994 and May 8, 1995.

(C) Addition of COMAR 26.11.09.01B(3–1) (definition of the term ''high heat release unit''), effective September 18, 2000.

(ii) Additional Material.—Remainder of September 8, 2000 submittal.

§ 52.1072 [Amended]

3. Section 52.1072(e) is removed and reserved.

[FR Doc. 01–3161 Filed 2–7–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3100, 3106, 3108, 3130, and 3160

[WO–310–1310–01–24 1A–PB]

RIN 1004–AC54

Oil and Gas Leasing: Onshore Oil and Gas Operations: Delay of Effective Date

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Review Plan,'' 66 FR 7701 (January 24, 2001), this document temporarily delays for 60 days the effective date of the rule entitled ''Oil and Gas Leasing: Onshore Oil and Gas Operations,'' published in the **Federal Register** on January 10,

2001 (66 FR 1883). The final rule will: clarify the responsibilities of oil and gas lessees and operating rights owners for protecting Federal and Indian oil and gas resources from drainage; specify when the obligations of the lessee or operating rights owner to protect against drainage begin and end; clarify what steps to take to determine if drainage is occurring; and specify the responsibilities of assignors and assignees for reclamation and other lease obligations.

EFFECTIVE DATE: The effective date of the Oil and Gas Leasing: Onshore Oil and Gas Operations Final Rule, amending 43 CFR 3100, 3106, 3108, 3130, and 3160; published in the **Federal Register** on January 10, 2001. (66 FR 1883), is delayed for 60 days; from February 9, 2001 to a new effective date of April 10, 2001.

FOR FURTHER INFORMATION CONTACT: Donnie Shaw, Fluid Minerals Group, Bureau of Land Management, Mail Stop 401LS, 1849 ''C'' Street, NW, Washington, D.C. 20240; telephone (202) 452–0382 (Commercial or FTS). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Services at 1–800–877–8339, seven days a week, 24 hours a day, except holidays, for assistance in reaching Mr. Shaw.

SUPPLEMENTARY INFORMATION: To the extent that 5 U.S.C. 553 applies to this action, the action is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, the Department's implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. 553(b)(3)(B) and 553(d)(3), in that seeking public comment is impractical, unnecessary and contrary to the public interest. The temporary 60-day delay in the effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations.

Dated: January 31, 2001.

Piet deWitt,

Acting Assistant Secretary, Land and Minerals Management.

[FR Doc. 01–3365 Filed 2–7–01; 8:45 am]

BILLING CODE 4310–84–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 52

[CC Docket No. 99–200; CC Docket No. 96–98; FCC 00–429]

Numbering Resource Optimization

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document the Federal Communications Commission (FCC or Commission) continues to develop, adopt and implement a number of strategies to ensure that the numbering resources of the North American Numbering Plan (NANP) are used efficiently, and that all carriers have the numbering resources they need to compete in the rapidly expanding telecommunications marketplace.

DATES: Section 52.15(f)(1)(vi) is effective December 29, 2000. Section 52.15(h) is effective May 8, 2001. All other amendments are effective March 12, 2001 except for §§ 52.15(g)(4) and 52.15(k)(1), which contain information collection requirements that have not been approved by the Office of Management and Budget. The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date of those sections.

ADDRESSES: Federal Communications Commission, Secretary, 445 12th Street, SW, Room TW–B204F, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Sanford Williams, (202) 418–2320 or email at *swilliam@fcc.gov* or Cheryl Callahan at (202) 418–2320 or *ccallaha@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Second Report and Order, Order on Reconsideration in CC Docket No. 96–98 and CC Docket No. 99–200 (Second Report and Order),* adopted on December 7, 2000, and released on December 29, 2000. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center. The complete text may also be obtained through the world wide web, at http://www.fcc.gov/Bureaus/CommonCarrier/Orders, or may be purchased from the Commission's copy contractor, International Transcription Services, Inc., 1231 20th Street, NW, Washington, DC 20036.

Synopsis of the Second Report and Order, Order on Reconsideration in CC Docket No. 96–98 and CC Docket No. 99–200

1. With the rules adopted in the *Second Report and Order,* the FCC creates national standards to address numbering resource optimization. The *Second Report and Order,* among other things: (1) Establishes a utilization threshold for carriers; (2) clarifies the national framework for allocating numbers in blocks of 1,000, rather than 10,000 (''thousands-block number pooling'') and for thousands-block number pooling administration; and (3) sets forth a comprehensive audit program to verify carrier compliance with federal rules and orders and industry guidelines.

2. The *Second Report and Order* also adopts and clarifies administrative measures that will allow the FCC to monitor more closely the way numbering resources are used within the U.S. Specifically, the FCC clarifies certain numbering status definitions, the definition of Parent Operating Company Number (OCN), and the scope of access state commissions have to mandatorily reported data and numbering resource application information.

3. The rules adopted herein facilitate increased carrier accountability and incentives to use numbers efficiently, and promote the judicious conservation of numbering resources.

Final Paperwork Reduction Analysis

4. This *Second Report and Order* contains some new information collections, which will be submitted to OMB for approval, as prescribed by the Paperwork Reduction Act.

Final Regulatory Flexibility Analysis

5. As required by the Regulatory Flexibility Act (RFA), 5 U.S.C. 603, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated into the *Notice of Proposed Rulemaking* (*Notice*). The Commission sought written public comment on the proposals in the *Notice,* including comment on the IRFA. In addition, pursuant to 5 U.S.C. 604, a Final Regulatory Flexibility Analysis (FRFA) was incorporated in the *First Report and Order and Further Notice of Proposed Rulemaking,* 65 FR 43251

(2000) (*First Report and Order and Further Notice*). Also in the *First Report and Order and Further Notice,* pursuant to 5 U.S.C. 603, was a second IRFA. The Commission sought written public comment on the proposals in the *First Report and Order and Further Notice,* including comment on the second IRFA. No comments specifically addressing the second IRFA are relevant to the matters addressed in this *Second Report and Order;* however, comments received concerning small business issues in general are summarized below. This present FRFA conforms to the RFA.

A. Need for, and Objectives of, the Second Report and Order

6. In the *First Report and Order and Further Notice,* we sought public comment on (a) what specific utilization threshold carriers not participating in thousands-block number pooling, should meet in order to request growth numbering resources; (b) whether state commissions should be allowed to set rate-center based utilization thresholds based on Commission-established criteria; (c) whether covered commercial mobile radio services (CMRS) carriers should be required to participate in thousands-block number pooling immediately upon expiration of the Local Number Portability (LNP) forbearance period on November 24, 2002, or whether a transition period should be allowed; and (d) how a market-based allocation system for numbering resources could be implemented. We also sought additional information regarding: (a) Cost studies that quantify the incremental costs of thousands-block number pooling; (b) cost studies that quantify shared industry and direct carrier-specific costs of thousands-block number pooling; and (c) cost studies that take into account the cost savings associated with thousands-block number pooling in comparison to the current numbering practices that result in more frequent area code changes.

7. In doing so, we sought to (1) ensure that the limited numbering resources of the NANP are used efficiently; (2) protect customers from the expense and inconvenience that result from the implementation of new area codes; (3) forestall the enormous expense that will be incurred from expanding the NANP; and (4) ensure that all carriers have the numbering resources they need to compete in the rapidly growing telecommunications marketplace.

8. In this *Second Report and Order,* we continue to develop, adopt and implement a number of strategies to ensure that the numbering resources of the NANP are used efficiently, and that all carriers have the numbering resources they need to compete in the rapidly expanding telecommunications marketplace. In particular, we finalize plans implementing thousands-block number pooling, and also seek comment on additional strategies to increase further the efficiency with which numbering resources are used.

B. Summary of Significant Issues Raised by Public Comments

9. Commenters expressed support and opposition to several issues addressed in this *Second Report and Order* that concern small entities. Their opinions are summarized below and, where applicable, discussed in Section E. Other comments filed by small entities which are not addressed in this *Second Report and Order,* such as those relating to carriers' cost recovery mechanisms for thousands-block number pooling and developing markets for numbering resources, will be addressed at a later date.

10. *Geographic Splits and All-Services Area Code Overlays.* One commenter, Small Business Alliance for Fair Utility Regulation (Small Business Alliance), described geographic splits as harmful for small businesses because the phone number plays a critical role in the identity of the business. Geographic splits may cause small businesses to lose customers who are unaware of the phone number change as well as incur additional costs on advertising materials as a result of an area code change. Thus, all-services area code overlays are strongly preferred by commenters because small businesses would not be exposed to such costs.

11. *Audits.* Commenters generally support ''for cause'' and random audits. The Small Business Alliance strongly supports ''for cause'', scheduled and random audits given the rapid depletion of numbering resources. Another commenter, PrimeCo Personal Communications, supports ''for cause'' audits, but not random audits.

12. *Mandatory Nationwide Ten-Digit Dialing.* Commenters representing small businesses support mandatory ten-digit dialing. For example, the Organization for the Promotion and Advancement of Small Telecommunications Companies believes that ten-digit dialing would be less disruptive for customers, and technical modifications would be less expensive.

C. Description and Estimate of the Number of Small Entities to Which Rules Will Apply

13. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. 5 U.S.C. 603(b)(3). The RFA defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' 5 U.S.C. 601(6). The term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act, unless the Commission has developed one or more definitions that are appropriate for its activities. 5 U.S.C. 601(3). Under the Small Business Act, a ''small business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). 15 U.S.C. 632.

14. The most reliable source of information regarding the total numbers of certain common carrier and related providers nationwide, as well as the number of commercial wireless entities, appears to be data the Commission publishes in its *Trends in Telephone Service* report and the data in its *Carrier Locator: Interstate Service Providers Report.* These carriers include, *inter alia,* local exchange carriers, wireline carriers and service providers, interexchange carriers, competitive access providers, operator service providers, pay telephone operators, providers of telephone service, providers of telephone exchange service, and resellers.

15. The SBA has defined establishments engaged in providing ''Radiotelephone Communications'' and ''Telephone Communications, Except Radiotelephone'' to be small businesses when they have no more than 1,500 employees. 13 CFR 121.201.

16. We have included small incumbent local exchange carriers (LECs) in this present RFA analysis. As noted above, a ''small business'' under the RFA is one that, *inter alia,* meets the pertinent small business size standard (e.g., a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' 5 U.S.C. 601(3). The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not ''national'' in scope. We have therefore included small incumbent LECs in this RFA analysis, although we emphasize that this RFA action has no effect on FCC analyses and determinations in other, non-RFA contexts.

17. *Total Number of Telephone Companies Affected.* The U.S. Bureau of

the Census (Census Bureau) reports that, at the end of 1992, there were 3,497 firms engaged in providing telephone services, as defined therein, for at least one year. This number contains a variety of different categories of carriers, including local exchange carriers, interexchange carriers, competitive access providers, cellular carriers, mobile service carriers, operator service providers, pay telephone operators, covered specialized mobile radio providers, and resellers. It seems certain that some of these 3,497 telephone service firms may not qualify as small entities or small incumbent LECs because they are not ''independently owned and operated.'' *See generally* 15 U.S.C. 632(a)(1) For example, a personal communications services (PCS) provider that is affiliated with an interexchange carrier having more than 1,500 employees would not meet the definition of a small business. It is reasonable to conclude that fewer than 3,497 telephone service firms are small entity telephone service firms or small incumbent LECs that may be affected by the proposed regulations, herein adopted.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

18. *Audit Program.* The *Second Report and Order* approves the Commission's proposal to supplement the need verification measures and data collection requirements, adopted in the *First Report and Order,* with a comprehensive audit program. The audits, which include ''for cause'' and random audits, will be used to verify carrier compliance with federal rules and orders and industry guidelines. In addition, the Commission declines to provide a specific cost recovery mechanism for carrier-specific auditing costs, including costs related to providing documentation to the Auditor. We believe that such costs are minimal and do not significantly affect a carrier's ability to compete. Nevertheless, even if such costs impose a burden on small carriers, the benefits of monitoring numbering resource use, thereby enabling us to predict accurately exhaustion of numbering resources, would far outweigh those costs.

19. *''For Cause'' Auditing Requests.* To request a ''for cause'' audit, the North America Numbering Plan Administrator (NANPA), the Pooling Administrator or a state commission must submit a written request to the Auditor stating the reason for the request, such as misleading or inaccurate data, as well as supporting documentation evidencing such grounds for the audit. The audits will be performed by the Commission's auditors in the Audits Branch of the Accounting Safeguards Division in the Common Carrier Bureau, or other designated agents.

20. *Numbering Resource Application Materials.* State commissions should request copies of carriers' applications for initial and growth numbering resources directly from the carriers, instead of NANPA or the Pooling Administrator. Such an approach avoids a costly burden on the national numbering administrator while placing only a minimal burden on carriers because small and large carriers merely need to duplicate applications previously submitted to the NANPA. Carriers receiving numbering resources must comply with state requests and will be denied numbering resources for noncompliance.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

21. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. 5 U.S.C. 603(c).

22. *Utilization Threshold.* We require carriers to utilize 60% of their existing inventory of numbers before receiving additional resources within a particular rate center. We find that 60% is an appropriate threshold level because, for example, according to the data reported to NANPA, average industry utilization levels range from approximately 45%–65%. We considered adopting a 50% threshold as an alternative, however, we believe that a 60% utilization threshold will more successfully encourage carriers to use numbers from existing inventories while making such utilization achievable for carriers that need additional numbering resources. The threshold will increase by 5% each year starting June 30, 2002, to a maximum threshold of 75%. We establish these small yearly percentage increases in order to allow carriers, especially small carriers, sufficient time to maximize their utilization levels.

23. *Thousands-Block Number Pooling for Covered CMRS Carriers.* CMRS carriers will be required to participate in thousands-block number pooling once the LNP forbearance period expires on November 24, 2002. No transition period between the CMRS carriers' LNP implementation and participation in mandatory number pooling will be granted because such carriers have almost two years' advance notice of the pooling requirement, and technical modifications for pooling and LNP are largely similar. We believe that given the deadline date for compliance, carriers, including small businesses, should have ample time to prepare for these changes without the need for a transition period.

24. *Geographic Splits and All-Services Area Code Overlays.* We considered whether to impose additional rules on state commissions or to leave the development of any rules to the states. We have decided that additional rules or guidelines will not be enumerated at the federal level with regard to geographic splits or all-services overlays. We believe that state commissions should be allowed to choose an appropriate measure, including geographic splits or overlays, for area code relief. However, state commissions must ensure that, in implementing area code relief, carriers receive numbers on an equitable basis and that such numbers are available in a timely and efficient manner. Such an approach allows state commissions to consider the surrounding local circumstances, including the needs of small, local businesses, in deciding whether or how to provide area code relief.

25. In the alternative, we could have mandated state commissions to impose all-services area code overlays as the primary method for area code relief. As discussed in Section B, small businesses that incur additional costs related to geographic splits may have benefited from this alternative proposal. However, the Commission believes that states should have the flexibility to determine the best method for area code relief given their unique knowledge of their geographic region.

26. In addition, we will continue to require ten-digit dialing within and throughout the geographic area covered by an all-services overlay. Such a requirement ensures that no dialing disparity exists to disadvantage competitors, including small businesses.

27. *Audits.* A comprehensive audit program will be established to verify carriers' actual need for numbering resources, in accordance with federal rules and industry guidelines. As

discussed in Section B, small entity commenters generally support audits. This audit program, which will consist of ''for cause'' and random audits, should help to determine whether carriers accurately record data or inconspicuously stockpile numbers. Failure to comply with auditor requests will result in penalties. For small carriers, audits will help to ensure that large businesses are not hoarding numbers or otherwise preventing small carriers from gaining access to numbering resources. In addition, costs should not impose a significant burden on small or large carriers. However, the benefits of being able to rely on carrier data in order to monitor numbering resource use and to predict accurately exhaustion of numbering resources would far outweigh any significant costs incurred by small carriers.

28. *Mandatory Nationwide Ten-Digit Dialing.* At the present time, we decline to adopt nationwide mandatory ten-digit dialing as a method of area code relief. Although commenters, including small entities, supported the adoption of this measure, the burdens of implementation at this time outweigh the benefits. Such a transition would require technical modifications by both large and small carriers, at a potentially expensive cost. In addition, ten-digit dialing adds to consumer inconvenience and confusion. At this time, the need for area code relief does not outweigh these burdens on carriers.

29. *Reconsideration of Reserved Number Period.* In this *Second Report and Order,* we extend the period for reserving numbers from 45 days to 180 days. We considered extending the period to 12 months, but we believe that, at the present time, 180 days is a sufficient time period to allow small and large carriers to address their customers' needs while mitigating the effects of such reservations on the depletion of numbering resources. It also allows small and large business customers to plan for implementation and/or expansion of telephone service. For carriers requesting more time to reserve numbers, we are considering a proposal by the North American Numbering Council to charge a fee for extending the reservation period and are seeking comment on this proposal in the *Second Further Notice.*

Report to Congress

30. The Commission will send a copy of this *Second Report and Order,* including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act. *See* 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of this *Second Report and Order,* including this FRFA, to the Chief Counsel for Advocacy of the SBA.

Ordering Clauses

31. Pursuant to Sections 1, 3, 4, 201–205, 251 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 153, 154, 201–205, and 251, the Second Report and Order is hereby *adopted* and part 52 of the Commission's rules are amended and adopted as set forth in the attached Rule Changes.

32. Section 52.15(f)(1)(vi) is effective December 29, 2000. Section 52.15(h) is effective May 8, 2001. All other amendments are effective March 12, 2001 except for §§ 52.15(g)(4) and 52.15(k)(1), which contain information collection requirements that have not been approved by the Office of Management and Budget. The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date of those sections.

33. The establishment of a five year term for the Thousands-Block Pooling Administrator is effective on December 7, 2000, the date of adoption of the *Second Report and Order.*

34. The Commission's Consumer Information Bureau, Reference Information Center, SHALL SEND a copy of the Second Report and Order and Further Notice of Proposed Rulemaking, including the Initial and Final Regulatory Flexibility Analyses, to the Chief Counsel for Advocacy of Small Business Administration.

35. The Final Regulatory Flexibility Analysis for this *Second Report and Order,* pursuant to the Regulatory Flexibility Act, 5 U.S.C. 604, is contained herein.

List of Subjects in 47 CFR Part 52

Communications common carriers, Telecommunications, Telephone.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

PART 52—NUMBERING

1. The authority citation for part 52 continues to read as follows:

Authority: Sections 1, 2, 4, 5, 48 Stat. 1066, as amended; 47 U.S.C. 151, 152, 154, 155 unless otherwise noted. Interpret or apply secs. 3, 4, 201–05, 207–09, 218, 225–7, 251–2, 271 and 332, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 153, 154, 201–205, 207–09, 218, 225–7, 251–2, 271 and 332 unless otherwise noted.

2. In § 52.15, revise paragraphs (f)(1)(vi), (f)(3)(ii), (g)(3)(iv) and add paragraphs (g)(4), (h) and (k) to read as follows:

§ 52.15 Central office code administration.

* * * * *

(f) * * *

(1) * * *

(vi) Reserved numbers are numbers that are held by service providers at the request of specific end users or customers for their future use. Numbers held for specific end users or customers for more than 180 days shall not be classified as reserved numbers.

* * * * *

(3) * * *

(ii) Reporting shall be by separate legal entity and must include company name, company headquarters address, Operating Company Number (OCN), parent company OCN, and the primary type of business in which the reporting carrier is engaged. The term ''parent company'' refers to the highest related legal entity located within the state for which the reporting carrier is reporting data.

* * * * *

(g) * * *

(3) * * *

(iv) The NANPA shall withhold numbering resources from any U.S. carrier that fails to comply with the reporting and numbering resource application requirements established in this part. The NANPA shall not issue numbering resources to a carrier without an OCN. The NANPA must notify the carrier in writing of its decision to withhold numbering resources within ten (10) days of receiving a request for numbering resources. The carrier may challenge the NANPA's decision to the appropriate state regulatory commission. The state commission may affirm or overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination of compliance with the reporting and numbering resource application requirements herein.

(4) *State access to applications.* State commissions shall have access to service provider's applications for numbering resources. State commissions should request copies of such applications from the service providers operating within their states, and service providers must comply with state commission requests for copies of numbering resource applications. Carriers that fail to comply with a state commission request for numbering resource application materials shall be denied numbering resources.

(h) *National utilization threshold.* All applicants for growth numbering

resources shall achieve a 60% utilization threshold, calculated in accordance with paragraph (g)(3)(ii) of this section, for the rate center in which they are requesting growth numbering resources. This 60% utilization threshold shall increase by 5% on June 30, 2002, and annually thereafter until the utilization threshold reaches 75%.

* * * * *

(k) *Numbering audits.* (1) All telecommunications service providers shall be subject to ''for cause'' and random audits to verify carrier compliance with Commission regulations and applicable industry guidelines relating to numbering administration.

(2) All telecommunications service providers shall be prepared to demonstrate compliance with Commission regulations and applicable industry guidelines at all times. Service providers shall be prepared to demonstrate compliance with Commission regulations and applicable industry guidelines at all times. Service providers found to be in violation of Commission regulations and applicable industry guidelines relating to numbering administration may be subject to enforcement action.

3. In § 52.16, revise paragraph (a) to read as follows:

§ 52.16 Billing and collection agent.

* * * * *

(a) Calculate, assess, bill and collect payments for all numbering administration functions and distribute funds to the NANPA, or other agent designated by the Common Carrier Bureau that performs functions related to numbering administration, on a monthly basis;

* * * * *

4. In § 52.20, revise paragraph (c) to read as follows:

§ 52.20 Thousands-block number pooling.

* * * * *

(c) *Donation of thousands-blocks.* (1) All service providers required to participate in thousands-block number pooling shall donate thousands-blocks with ten percent or less contamination to the thousands-block number pool for the rate center within which the numbering resources are assigned. (2) All service providers required to participate in thousands-block number pooling shall be allowed to retain at least one thousands-block per rate center, even if the thousands-block is ten percent or less contaminated, as an initial block or footprint block.

* * * * *

[FR Doc. 01–3172 Filed 2–7–01; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Docket RSPA–99–6355; Amdt. 195–70]

RIN 2137–AD45

Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Hazardous Liquid Operators With 500 or More Miles of Pipelines)

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, titled ''Regulatory Review Plan,'' published in the **Federal Register** on January 24, 2001, this action temporarily delays for 60 days the effective date of the rule titled ''Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Hazardous Liquid Operators with 500 or More Miles of Pipelines),'' published in the **Federal Register** on December 1, 2000, 65 FR 75378. That rule requires operators of hazardous liquid pipelines to establish and implement plans to assess the integrity of pipeline in areas in which a failure could impact certain populated and environmentally sensitive areas.

DATES: The effective date of the final rule is delayed for 60 days, from March 31, 2001, to a new effective date of May 29, 2001.

FOR FURTHER INFORMATION CONTACT: Mike Israni, (202) 366–4571, or by e-mail: mike.israni@rspa.dot.gov, regarding the subject matter of this final rule, or the Dockets Facility for copies of this final rule or other material in the docket. All materials in this docket may be accessed electronically at http://dms.dot.gov.

SUPPLEMENTARY INFORMATION: To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A). Alternatively, the RSPA's implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. section 553(b)(B) and 553(d)(3). Seeking public comment is impracticable, unnecessary and contrary to the public interest. The temporary 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this action effective immediately upon publication.

Issued in Washington, DC on January 31, 2001.

Edward A. Brigham,

Acting Deputy Administrator.

[FR Doc. 01–3215 Filed 2–7–01; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Docket RSPA–99–5455; Amdt. 195–71]

RIN 2137–AC34

Pipeline Safety: Areas Unusually Sensitive to Environmental Damage

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Review Plan,'' published in the **Federal Register** on January 24, 2001, this action temporarily delays for 60 days the effective date of the final rule titled ''Pipeline Safety: Areas Unusually Sensitive to Environmental Damage,'' published in the **Federal Register** on December 21, 2000, 65 FR 80530. That rule defines drinking water and ecological areas that are unusually sensitive to environmental damage if there is a hazardous liquid pipeline release.

DATES: The effective date of the final rule is delayed for 60 days, from February 20, 2001, to a new effective date of April 21, 2001.

FOR FURTHER INFORMATION CONTACT: Christina Sames at (202) 366–4561 or christina.sames@rspa.dot.gov. Copies of this document or other material in the docket can be obtained from the Dockets Facility, U.S. DOT, Room #PL–401, 400 Seventh Street, SW, Washington, DC 20590–0001. The Dockets Facility is open from 9:00 a.m. to 5:00 p.m., Monday through Friday, except on Federal holidays when the facility is closed. The public may review material in the docket by accessing the Docket Management System's home page at http://dms.dot.gov.

SUPPLEMENTARY INFORMATION: To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A). Alternatively, the RSPA's implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. section 553(b)(B) and 553(d)(3). Seeking public comment is impracticable, unnecessary and contrary to the public interest. The temporary 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this action effective immediately upon publication.

Issued in Washington, DC on January 31, 2001.

Edward A. Brigham,

Acting Deputy Administrator.

[FR Doc. 01–3214 Filed 2–7–01; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–98–4515; Notice 3]

RIN 2127–AF43

Federal Motor Vehicle Safety Standards; Electric-Powered Vehicles: Electrolyte Spillage and Electrical Shock Protection: Delay of Effective Date

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Review Plan,'' published in the **Federal Register** on January 24, 2001, at 66 FR 7702, this action temporarily delays for 60 days the effective date of the rule entitled ''Federal Motor Vehicle Safety Standards; Electric-Powered Vehicles: Electrolyte Spillage and Electrical Shock Protection,'' published in the **Federal Register** on September 27, 2000, at 65 FR 57980. That rule established a new Federal motor vehicle safety standard (FMVSS) No. 305, ''Electric-powered vehicles: electrolyte spillage and electrical shock protection'' addressing safety issues exclusive to electric vehicles (EVs). Except as noted in the next sentence, the standard applies to all EVs that have a propulsion power source greater than 48 volts and a Gross Vehicle Weight Rating of 4536 kg (10,000 lbs) or less. The standard does not apply to EVs to which FMVSS No. 500, ''Low-Speed Vehicles,'' applies.

DATES: The effective date of the ''Federal Motor Vehicle Safety Standards; Electric-Powered Vehicles: Electrolyte Spillage and Electrical Shock Protection,'' published in the **Federal Register** on September 27, 2000, at 65 FR 57980, is delayed for 60 days, from October 1, 2001, to a new effective date of December 1, 2001.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, contact Charles Hott, Office of Safety Performance Standards, NHTSA (202–366–0427). For legal issues, contact Taylor Vinson, Office of Chief Counsel, NHTSA (202–366–5263).

SUPPLEMENTARY INFORMATION: To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A). Alternatively, NHTSA's implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. section 553(b)(3)(B) and 553(d)(3). Seeking public comment is impracticable, unnecessary, and contrary to the public interest. The temporary 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this action effective immediately upon publication.

Authority: 49 U.S.C. 322, 30111, 30115, 30166; delegation of authority at 49 CFR 1.50 and 501.

Issued on January 31, 2001.

L. Robert Shelton,

Executive Director.

[FR Doc. 01–3213 Filed 2–7–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 86

RIN 1018–AF38

Boating Infrastructure Grant Program: Delay of Effective Date

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Review Plan,'' published in the **Federal Register** on January 24, 2001 (66 FR 7701), this document temporarily delays for 60 days the effective date of the rule entitled ''Boating Infrastructure Grant Program,'' published in the **Federal Register** on January 18, 2001 (66 FR 5282). This rule provides for the uniform administration of the national Boating Infrastructure Grant Program and survey authorized by Section 7404 of the Sportfishing and Boating Safety Act of 1998. Through this program, the

U.S. Fish and Wildlife Service will provide funds to States to install or upgrade tie-up facilities for transient recreational boats 26 feet or more in length.

EFFECTIVE DATE: The effective date of the Boating Infrastructure Grant Program rule, adding 50 CFR part 86, published in the **Federal Register** on January 18, 2001, at 66 FR 5282, is delayed for 60 days, from February 20, 2001, to a new effective date of April 21, 2001.

FOR FURTHER INFORMATION CONTACT: Steve Farrell, Project Officer, U.S. Fish and Wildlife Service, Division of Federal Aid, 4401 North Fairfax Drive, Suite 140, Arlington, VA 22203; telephone (703) 358–2156; fax (703) 358–1705; email steve__farrell@fws.gov.

SUPPLEMENTARY INFORMATION: To the extent that 5 U.S.C. section 553 applies to this action, this action is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A). Alternatively, the Department's implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register,** is based on the good cause exceptions in 5 U.S.C. sections 553(b)(3)(B) and 553(d)(3), in that seeking public comment is impractical, unnecessary and contrary to the public interest. The temporary 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations.

Dated: February 2, 2001.

Timothy S. Elliott,

Acting Deputy Solicitor.

[FR Doc. 01–3224 Filed 2–7–01; 8:45 am]

BILLING CODE 4310–55–M

Proposed Rules

Federal Register
Vol. 66, No. 27
Thursday, February 8, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 301, and 602

[REG–106542–98]

RIN 1545–AW24

Election To Treat Trust as Part of an Estate; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Change of date of public hearing; extension of time to submit outlines of oral comments.

SUMMARY: This document changes the date of the public hearing on the proposed regulations that relate to an election to have certain revocable trusts treated and taxed as part of an estate. It also extends the time to submit outlines of oral comments for the hearing.

DATES: The public hearing will be held April 11, 2001, beginning at 10 a.m. Additional outlines of oral comments must be received by March 21, 2001.

ADDRESSES: The public hearing will be held in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Send submissions to: Regulations Unit CC (REG–106542–98), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: Regulations Unit CC (REG–106542–98), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington DC. Alternatively, taxpayers may submit outlines of oral comments electronically directly to the IRS Internet site at http://www.irs.gov/tax_regs/reglist.html.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Faith Colson, (202) 622–3060; concerning submissions, LaNita Van Dyke, (202) 622–7190 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

A notice of proposed rulemaking and notice of public hearing, appearing in the **Federal Register** on Monday, December 18, 2000 (65 FR 79015), announced that a public hearing on the proposed regulations relating to an election to have certain revocable trusts treated and taxed as part of an estate would be held on February 21, 2001, in the IRS Auditorium, Internal Revenue Building 1111 Constitution Avenue, NW., Washington, DC. Subsequently, the date of the public hearing has changed to April 11, 2001, at 10 a.m. in the IRS Auditorium. Outlines of oral comments must be received by March 21, 2001.

Cynthia Grigsby,

Chief, Regulations Unit, Office of Special Counsel (Modernization & Strategic Planning).

[FR Doc. 01–2985 Filed 2–7–01; 8:45 am]
BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL165–2; FRL–6943–2]

Approval and Promulgation of Implementation Plans; Illinois Trading Program; Reopening of the Public Comment Period

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule; reopening of the public comment period.

SUMMARY: USEPA is reopening and extending the public comment period for a proposed rule published on December 27, 2000 (65 FR 81799). In the December 27, 2000 proposed rule, USEPA proposed to approve Illinois' emissions trading program provided Illinois resolves certain issues prior to the end of the public comment period. Specifically, USEPA proposed that Illinois must: Clarify the timeline and penalties for violating sources, satisfy USEPA's policy on environmental justice, provide for full-year offsets for new sources, commit to discount credits where emissions reductions are potentially accompanied by emission increases elsewhere, and commit to remedy any problems identified in its periodic program review. USEPA solicited public comment on Illinois' proposed trading program and on USEPA's proposed action. At the request of several environmental groups, USEPA is reopening the comment period through March 26, 2001. All comments received before March 26, 2001, including those received between the close of the comment period on January 26, 2001 and the publication of this proposed rule reopening the comment period, will be entered into the public record and considered by USEPA before taking final action on the proposed rule.

DATES: Comments must be received on or before March 26, 2001.

ADDRESSES: Written comments should be addressed to: J. Elmer Bortzer, Chief, Regulation Development Section (AR–18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: John Summerhays, Regulation Development Section, Air Programs Branch (AR–18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6067, (*summerhays.john@epa.gov*).

Dated: January 31, 2001.

David A. Ullrich,

Acting Regional Administrator, Region 5.

[FR Doc. 01–3282 Filed 2–7–01; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 52

[CC Docket No. 99–200; FCC 00–429]

Numbering Resource Optimization

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document the Federal Communications Commission (FCC or Commission) continues to develop, adopt and implement a number of strategies to ensure that the numbering resources of the North American Numbering Plan (NANP) are used efficiently, and that all carriers have the numbering resources they need to compete in the rapidly expanding telecommunications marketplace.

DATES: Comments for the NPRM are due February 14, 2001 and reply comments are due March 7, 2001. Comments for the proposed information collection are due the same date as the comments on the NPRM and must be submitted by the Office of Management and Budget (OMB) on or before April 9, 2001.

ADDRESSES: Federal Communications Commission, Secretary, 445 12th Street, SW, Room TW–B204F, Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the proposed information collection contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW, Washington, DC 20554, or via the Internet to jboley@fcc.gov, and to Edward C. Springer, OMB Desk Officer, 10236 NEOB, 725—17th Street, NW., Washington, DC 20503 or via the Internet to Edward.Springer@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Sanford Williams, (202) 418–2320 or email at *swilliam@fcc.gov* Cheryl Callahan at (202) 418–2320 or *ccallaha@fcc.gov.* For additional information concerning the information collection contained in this document, contact Judy Boley at 202–418–0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Further Notice of Proposed Rulemaking in CC Docket No. 99–200 (*Second Further Notice*) that was released with the *Second Report and Order, Order on Reconsideration in CC Docket No. 96–98 and CC Docket No. 99–200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99–200,* adopted on December 7, 2000, and released on December 29, 2000 (For a review of the **Federal Register** summary for *Numbering Resource Optimization,* First Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574 (rel. March 31, 2000), *see* 65 Fed. Reg. 37749 (2000)). The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center. The complete text may also be obtained through the world wide web, at http://www.fcc.gov/Bureaus/CommonCarrier/Orders, or may be purchased from the Commission's copy contractor, International Transcription Services, Inc., 1231 20th Street, NW, Washington, DC 20036.

Second Further Notice Initial Paperwork Reduction Analysis

This *Second Further Notice* contains a proposed information collection. As part of its continuing effort to reduce paperwork burdens, we invite the general public and the Office of Management and Budget (OMB) to take this opportunity to comment on the information collections contained in the *Second Further Notice,* as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due at the same time as other comments on the *Second Further Notice;* OMB comments are due 60 days after publication of the *Second Further Notice* in the **Federal Register**. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall enhance the quality, utility and clarity of the information collected; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Control Number: None.

Title: Proposed Reporting Requirements for Secondary Market Transactions.

Form Number: N/A.

Type of Review: Proposed new collection.

Respondents: Business or other for profit.

Estimated Cost and Time Burden:

Title	Number of respondents	Estimated time per response	Total estimated annual burden	Cost
Proposed Reporting Requirements for Secondary Market Transactions.	2,500	Ten (10) minutes per transaction at 5000 transactions per year.	833 burden hours	$0

Needs and Uses: We propose to collect data that stems from secondary market transactions. In particular, we propose and seek comment on the types of reporting requirements that might be necessary to ensure that secondary markets are open, competitive, and effective. Data from such reporting will permit us to evaluate the efficacy of permitting the secondary market to reallocate numbering resources. We request comments on the type of data and the frequency with which they should be reported. At a minimum, we believe that quantities of numbers involved in transactions should be reported in the numbering resource utilization and forecast (NRUF) reports which are required to be filed by our current rules twice a year. We also request comment on whether we should require carriers to file information on purchase or lease prices and the quantities involved in the transaction. Commenters should address whether such reporting requirements would impose an unreasonable burden on either carriers or the NANPA. Finally, commenters should also comment on how numbers sold in the secondary market should be reported in the NRUF report.

Synopsis of the Second Further Notice of Proposed Rulemaking in CC Docket No. 99–200

1. In the *Second Further Notice,* we seek further comment on service-specific and technology-specific overlays. We specifically seek comment on the conditions under which service-specific and technology-specific overlays must be implemented in order to promote competitive equity, maximize the efficient use of numbering resources, and minimize customer inconvenience. We also seek comment on proposals to permit state commissions to implement service or technology-specific overlays on a phased in or transitional basis, subject to certain conditions. Comments should address the relative advantages from a numbering resource optimization perspective, a competitive perspective, and a consumer convenience perspective of service or technology-specific overlays as opposed to all-services overlays.

2. We seek comment on how the perceived advantages of service or technology-specific overlays relate to the specific conditions under which they are permitted. We also seek comment on whether it is appropriate to allow the creation of transitional technology-specific overlays that distinguish between carriers based on whether or not they have implemented

local number portability (LNP). We tentatively conclude that transitional technology-specific overlays must be prospective, and may not include mandatory ''take-backs'' (the taking back of numbers from existing customers of carriers assigned to the technology-specific overlay). We seek comment on this tentative conclusion. We further seek comment on whether geographic boundaries of a transitional technology-specific overlay should conform to the boundaries of an existing area code, or whether it would be appropriate to allow a transitional technology-specific overlay that covers a geographic area larger than the area covered by the pre-existing area code. We also seek comment on how transitional overlays should operate, and if state commissions' implementation of transitional overlays should be dependent on whether pooling has been or will be implemented. We seek comment on the appropriate time for transition from technology-specific to all-services overlays. We also seek comment on whether and how our mandatory ten-digit dialing rule should apply in the context of transitional technology-specific overlays. We seek comment on whether LNP-capable carriers should be prohibited from taking numbers out of the transitional overlay code prior to the time that it is converted to an all-services overlay.

3. We further seek comment on whether there should be any limitations on when states are permitted to implement transitional technology-specific overlays, and whether we should permit states that wish to designate transitional service or technology-specific area codes for groups besides non-LNP capable carriers to do so. We also seek comment on whether it would be appropriate for states to establish long-term overlays for certain services.

4. *Rate Center Issues.* We seek comment on the rate center problem, particularly on what policies could be implemented at the federal level to reduce the extent to which the rate center system contributes to and/or accelerates numbering resource exhaust. We recognize that rate center consolidation may deprive some carriers of toll revenue; therefore, we seek comment on ways of severing the connection between number assignment and call rating and routing. We also seek comment on past and present rate center consolidation efforts. We further seek comment on the costs and benefits of rate center consolidation in the 100 largest MSAs.

5. *Liability of Related Carriers.* We tentatively conclude that carriers should, in certain instances, have numbering resources withheld when related carriers are subject to withholding for failure to comply with our mandatory reporting requirements. We seek comment on how to identify the relationships among reporting carriers, and what geographic limitations should be placed on those relationships in determining liability among related carriers.

6. *State Commissions' Access to Mandatorily Reported Data.* We tentatively conclude that states should have password-protected access to mandatorily reported data received by the North American Numbering Plan Administrator (NANPA). We seek comment on whether password-protected access is sufficient to accommodate states' requirements for access to mandatorily reported data.

7. *Fee for Number Reservations.* In the *Second Report and Order,* we conclude that the period for reserving numbers should be a maximum of 180 days with no extensions. In the *Second Further Notice,* we seek comment on whether the reservation period should be extended, or if we should allow unlimited reservations of numbers on a month to month basis. Commenters should propose a time period for which numbers may be reserved. We also seek comment on whether charging a fee to carriers would provide appropriate incentives for efficient number use. Commenters should state whether a fee should be charged for reserving numbers, who should pay the fee, and what amount the fee should be. Commenters should also address how the fee revenues should be used or applied, particularly if the Commission imposes a fee on carriers.

8. *Enforcement.* We tentatively conclude that carriers that violate our numbering requirements, or that fail to cooperate with the auditor to conduct either a ''for cause'' or random audit, should be denied numbering resources in certain instances. We seek comment on this tentative conclusion. We seek comment on how this remedy should be invoked. We also seek comment on whether only the Commission should direct the NANPA or the Pooling Administrator to withhold numbering resources.

9. *State Commissions' Authority To Conduct ''For Cause'' and Random Audits.* We further seek comment on whether state commissions should be given independent authority to conduct ''for cause'' and random audits in lieu of or in addition to the national audit program established in the *Second Report and Order,* and what parameters should apply to any such authority. In particular, commenters should address concerns about state commissions employing different standards in performing ''for cause'' and random audits that might force carriers operating in multiple states to comply with different demands. In seeking comment on this issue, we do not address state commissions' authority to perform audits under state law.

10. *Developing Market-Based Approaches for Optimizing Numbering Resources.* In the *Second Further Notice,* we provide detailed information on the form that market-based mechanisms might take, and request that commenters propose specific market-based number allocation mechanisms. We seek comment on whether the Commission has the requisite authority to implement the proposals contained in the *Second Further Notice,* as well as any proposed by commenters. If such authority is lacking, we request that commenters address what authority would be necessary. Commenters should address the scope of the Commission's plenary authority over numbering resource allocation in the United States pursuant to section 251(e). Commenters should also address statutory provisions pertaining to the Commission's authority to collect funds from carriers, as well as the statutory requirements on how such funds should be expended.

11. We also seek comment on whether our authority under section 254 enables us to implement a market-based number allocation system as a means for funding universal services. We further seek comment on how the Commission could structure an efficient market-based allocation system that would work within the constraints of existing statutory authority. We also seek comment on how to structure a numbering resources market mechanism that treats all users of numbering resources and their customers in an equitable manner.

12. We tentatively conclude that any market-based allocation system for numbering resources that we consider should include both primary and secondary markets for numbering resources. We seek comment on whether the most direct approach for implementing a primary market, an auction, should be implemented, and whether it is cost effective. We also seek comment on whether the NANPA or the national thousands-block pooling administrator would be in the best position to conduct such auctions, and how an auction methodology should be designed. We further seek comment on how the supply of numbers to be

auctioned in each geographic area would be determined.

13. We also seek comment on whether prices for numbers in the primary market should be structured as a one-time charge, a recurring charge, or a combination of flat non-recurring and recurring charges, and on the feasibility of auctions under these scenarios. We tentatively conclude that it would be preferable for carriers to pay for all of the resources that they hold, and we seek comment on this tentative conclusion.

14. We also seek comment on whether there will be a continuing need to retain existing administrative measures for allocating numbers in conjunction with the implementation of a market-based approach. We seek comment on the appropriate geographic scope of secondary markets, including areas where there is only one or no competitive LEC. We seek comment on the extent to which the Commission should regulate transactions in the secondary market, and whether we should determine how the market is organized.

15. We also seek comment on the types of reporting requirements that might be necessary to ensure that secondary markets are open, competitive, and effective. We seek comment on whether implementation of a market-based allocation system should be delayed until covered CMRS carriers are required to become LNP-capable, and whether we should limit implementation to areas where LNP has been deployed. We also seek comment on whether primary and secondary markets should be implemented simultaneously.

16. *Recovery of Pooling Shared Industry and Direct Carrier-Specific Costs.* We seek comment and cost studies that quantify shared industry and direct carrier-specific costs of thousands-block number pooling. Cost studies should take into account the cost savings associated with thousands-block number pooling in comparison to the current numbering practices that result in more frequent area code changes.

17. *Thousands-Block Number Pooling for Non-LNP Capable Carriers.* Under the Commission's current rules, certain carriers are exempt from pooling requirements, *e.g.*, carriers outside the 100 largest MSAs that have not received a request to deploy LNP from a competing carrier, and paging carriers. We seek comment about whether it would be appropriate to extend pooling requirements to these carriers. We seek comment on the extent to which these carriers' participation in thousands-block number pooling helps to avoid premature exhaust of numbering resources at the 10,000 number block level (NXXs) and extends the life of the NANP. We also seek comment on the specific types of implementation costs that would be imposed, and the magnitude of these costs. We seek comment on whether the incremental number optimization benefits of requiring these carriers to participate in pooling outweigh the associated costs. We also seek comment on the benefits of thousands-block number pooling for competing carriers that need initial numbering resources in each rate center for the purpose of establishing their ''footprints.''

18. We further seek comment on whether we should limit any additional pooling requirements to certain classes of carriers, and if so, what exemptions should be made. In addition, if we were to impose pooling requirements on carriers irrespective of their LNP status, we seek comment on whether rural carriers should be exempt from any such requirements.

19. Waiver of Growth Numbering Resource Requirements. We recognize the possibility that certain conditions may prevent carriers from meeting their rate center-based utilization threshold when they actually need additional numbers. We therefore seek comment on the need to establish a ''safety valve'' apart from the general waiver process to allow carriers that do not meet the utilization threshold in a given rate center to obtain additional numbering resources. We seek data on the extent to which this problem exists, and we seek comment on possible solutions. We also seek comment on whether the NANPA or state commissions should be given the authority to decide on requests for waiver of the utilization threshold requirement in certain narrowly defined instances. Proposals to adopt a ''safety valve'' should include specific criteria for determining when a waiver is warranted. We further seek comment on how any proposed ''safety valve'' would be consistent with other numbering optimization measures.

Initial Regulatory Flexibility Analysis

20. As required by the Regulatory Flexibility Act (RFA), the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in *Second Further Notice. See* 5 U.S.C. 603. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *Second Further Notice.* The Commission will send a copy of the *Second Further Notice,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). *See* 5 U.S.C. 603(a).

A. Need for, and Objectives of, the Proposed Rules

21. In the Communications Act of 1934, as amended by the Telecommunications Act of 1996, Congress gave the Commission plenary jurisdiction over the NANP within the United States. 47 U.S.C. 251(e)(1). In discharging our authority over numbering resources, we seek to balance two competing goals. First, we must ensure that carriers have the numbering resources that they need to compete and bring new and innovative services to the consumer marketplace. Second, we must ensure that, to the extent possible, numbering resources are used efficiently. Inefficient use of numbering resources speeds the exhaust of area codes, imposing on carriers and consumers alike the burdens and costs of implementing new area codes. It also shortens the life of the NANP as a whole.

B. Legal Basis

22. The proposed action is authorized under Sections 1, 3, 4, 201–205, 251 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 153, 154, 201–205, and 251.

C. Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply

23. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. 5 U.S.C. 603(b)(3). The RFA defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' 5 U.S.C. 601(6). The term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act, unless the Commission has developed one or more definitions that are appropriate for its activities. 5 U.S.C. 601(3). Under the Small Business Act, a ''small business concern'' is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. 15 U.S.C. 632.

24. The most reliable source of information regarding the total numbers of certain common carrier and related providers nationwide, as well as the

number of commercial wireless entities, appears to be data the Commission publishes in its *Trends in Telephone Service* report and the data in its *Carrier Locator: Interstate Service Providers Report.* However, in a recent news release, the Commission indicated that there are 4,144 interstate carriers. These carriers include, *inter alia,* local exchange carriers, wireline carriers and service providers, interexchange carriers, competitive access providers, operator service providers, pay telephone operators, providers of telephone service, providers of telephone exchange service, and resellers.

25. We have included small incumbent local exchange carriers (LECs) in this present RFA analysis. As noted above, a ''small business'' under the RFA is one that, *inter alia,* meets the pertinent small business size standard (*e.g.,* a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' 5 U.S.C. 601(3). The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not ''national'' in scope. We have therefore included small incumbent LECs in this RFA analysis, although we emphasize that this RFA action has no effect on Commission analyses and determinations in other, non-RFA contexts.

26. *Total Number of Telephone Companies Affected.* The U.S. Bureau of the Census (Census Bureau) reports that, at the end of 1992, there were 3,497 firms engaged in providing telephone services, as defined therein, for at least one year. This number contains a variety of different categories of carriers, including local exchange carriers, interexchange carriers, competitive access providers, cellular carriers, mobile service carriers, operator service providers, pay telephone operators, covered specialized mobile radio providers, and resellers. It seems certain that some of these 3,497 telephone service firms may not qualify as small entities or small incumbent LECs because they are not ''independently owned and operated.'' *See generally* 15 U.S.C. 632(a)(1). For example, a personal communications system provider that is affiliated with an interexchange carrier having more than 1,500 employees would not meet the definition of a small business. It is reasonable to conclude that fewer than 3,497 telephone service firms are small entity telephone service firms or small incumbent LECs that may be affected by the proposed regulations.

D. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

27. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. 5 U.S.C. 603(c).

28. *Service-Specific and Technology-Specific Overlays.* Due to the numbering crisis, we are reconsidering our prohibition against using service-specific and technology-specific overlays as methods for area code relief. We seek comment, especially from small entities, on when and if these overlays should occur and if so, the conditions under which service-specific and technology-specific overlays should be implemented in order to promote competitive equity, maximize the efficient use of numbering resources, and minimize customer inconvenience. In determining appropriate conditions for implementing these overlays, we will examine how such conditions would impact small businesses.

29. *The Rate Center Problem.* In this *Second Further Notice* we seek comment on rate center consolidation. Such consolidation efforts should significantly impact numbering resources by providing small and large businesses with access to more numbers. In responding to this issue, commenters should also consider alternatives to rate center consolidation, such as extending local calling areas.

30. *Fee for Number Reservations.* We encourage comments regarding any unique small business needs related to the reservation of numbers, and the disproportionate impact, if any, of fees on small businesses.

31. *Audit Compliance and Enforcement.* We tentatively conclude that, at a minimum, carriers that fail to cooperate with the auditor should be denied numbering resources. The imposition of penalties would encourage both large and small carriers to comply with auditors' requests.

32. *State Authority to Perform Audits.* In addition to maintaining a national audit program, we seek comment on whether state commissions, given their extensive involvement in numbering issues, should be permitted to conduct independently ''for cause'' and random audits of carrier data. Small businesses should comment, in particular, on whether the potential existence of differing state audit standards would be a significant cost burden for them.

33. *Market for Numbering Resources.* Proper implementation of a market-based number allocation system should encourage the efficient use of numbering resources by carriers as well as be competitively neutral, especially towards small businesses. The system's benefits (*i.e.,* more efficient use of numbers) should outweigh carriers' concerns over costs. We believe that alternatives to this system (*i.e.,* allocating numbers for free) do not promote the efficient use of numbers as effectively. Commenters are encouraged to propose ways to implement such a system so as to minimize any unfavorable impact on small entities.

34. *Recovery of Pooling Shared Industry and Direct Carrier Specific Costs.* We determined in this *Second Further Notice* that we still do not possess sufficient cost data to establish a cost recovery mechanism at this time. Cost studies from commenters quantifying shared industry and direct carrier-specific costs of thousands-block number pooling should assist us in ascertaining an appropriate cost recovery mechanism for small carriers.

35. *Mandating LNP Capability for Thousands-Block Number Pooling.* We seek comment on whether we should require carriers to become LNP capable for the purpose of participating in thousands-block number pooling. In the alternative, we seek comment on whether carriers can utilize other network architecture to increase participation in thousands-block number pooling, or at least central office code sharing, without having fully deployed LNP. In examining alternatives to improve the efficient use of numbering resources, we request comments from all carriers, but especially small businesses that may become disadvantaged by a requirement to become LNP-capable.

36. *Waiver of Growth Numbering Resource Requirement.* Currently, carriers may obtain a waiver of growth numbering resource requirements by demonstrating their need for additional numbering resources. Commenters are encouraged to provide data demonstrating small business' need for a ''safety valve'' mechanism (when they fail to meet the utilization threshold in a given rate center) as well as specific criteria for granting a waiver that would

impose a minimal burden on small entities.

E. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

37. None.

Ordering Clauses

38. Pursuant to Sections 1, 3, 4, 201–205, 251 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 153, 154, 201–205, and 251, this *Second Further Notice of Proposed Rulemaking* is hereby *Adopted*.

39. The Commission's Consumer Information Bureau, Reference Information Center, *Shall Send* a copy of this *Second Report and Order and Second Further Notice of Proposed Rulemaking,* including the Initial and Final Regulatory Flexibility Analyses, to the Chief Counsel for Advocacy of Small Business Administration.

List of Subjects

Communications common carriers, Telecommunications, Telephone.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–3173 Filed 2–7–01; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AH33

Endangered and Threatened Wildlife and Plants; Proposed Designation of Critical Habitat for the Appalachian Elktoe

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the Fish and Wildlife Service (Service), propose to designate critical habitat for the Appalachian elktoe (*Alasmidonta raveneliana*) under the Endangered Species Act of 1973, as amended (Act). The areas proposed for critical habitat designation include approximately 231.1 kilometers (km) (144.3 river miles [rm]) of various segments of rivers in Tennessee and North Carolina.

If this proposal is made final, section 7(a)(2) of the Act requires that Federal agencies ensure that actions they fund, permit, or carry out are not likely to result in the destruction or adverse modification of critical habitat. The regulatory effect of the critical habitat designation does not extend beyond those activities funded, permitted, or carried out by Federal agencies. State or private actions, with no Federal involvement, are not affected.

Section 4 of the Act requires us to consider the economic and other relevant impacts of specifying any particular area as critical habitat. We solicit data and comments from the public on all aspects of this proposal, including data on the economic and other impacts of the designation. We may revise this proposal to incorporate or address comments and other information received during the comment period.

DATES: We will consider comments received by April 9, 2001. Requests for public hearings must be received, in writing, at the address shown in the **ADDRESSES** section by March 26, 2001.

ADDRESSES: If you wish to comment, you may submit your comments by any one of several methods:

1. You may submit written comments and information to the State Supervisor, Asheville Field Office, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28801.

2. You may hand-deliver written comments to our Asheville Field Office, at the above address, or fax your comments to 828/258–5330.

3. You may send comments by electronic mail (e-mail) to john_fridell@fws.gov. For directions on how to submit electronic filing of comments, see the ''Public Comments Solicited'' section.

Comments and materials received, as well as supporting documentation used in the preparation of this proposed rule, will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: John A. Fridell, Fish and Wildlife Biologist, (828)258–3939.

SUPPLEMENTARY INFORMATION:

Background

The Appalachian elktoe (*Alasmidonta raveneliana*) is a freshwater mussel that has a thin, kidney-shaped shell, reaching up to about 10 centimeters (4 inches) (J.A. Fridell, pers. observation 1999). Juveniles generally have a yellowish-brown periostracum (outer shell surface), while the periostracum of the adults is usually dark brown to greenish-black in color. Although rays are prominent on some shells, particularly in the posterior portion of the shell, many individuals have only obscure greenish rays. The shell nacre (inside shell surface) is shiny, often white to bluish-white, changing to a salmon, pinkish, or brownish color in the central and beak cavity portions of the shell; some specimens may be marked with irregular brownish blotches (adapted from Clarke 1981). Clarke (1981) contains a detailed description of the species' shell, with illustrations; Ortmann (1921) discussed soft parts.

Distribution, Habitat, and Life History

The Appalachian elktoe is known only from the mountain streams of western North Carolina and eastern Tennessee. Although the complete historical range of the Appalachian elktoe is unknown, available information suggests that the species once lived in the majority of the rivers and larger creeks of the upper Tennessee River system in North Carolina. In Tennessee, the species is known only from its present range in the main stem of the Nolichucky River.

Currently, the Appalachian elktoe has a very fragmented, relict distribution. The species still survives in scattered pockets of suitable habitat in portions of the Little Tennessee River system, Pigeon River system, the Little River in North Carolina, and the Nolichucky River system in North Carolina and Tennessee. In the Little Tennessee River system in North Carolina, populations survive in the reach of the main stem of the Little Tennessee River, between the city of Franklin and Fontana Reservoir, in Swain and Macon Counties (Service 1994, 1996; McGrath 1999; J.A. Fridell, pers. observation 2000), and in scattered reaches of the main stem of the Tuckasegee River in Jackson and Swain Counties (M. Cantrell, Service, pers. comm. 1996; J.A. Fridell, pers. observation 1996, 1997; McGrath 1998), from below the town of Cullowhee downstream to Bryson City. A single live individual and one shell have also been recently recorded from the Cheoah River, below Santeetlah Lake, in Graham County (W. Pennington, Pennington and Associates, Inc., Knoxville, Tennessee, pers. comm. 2000).

In the Pigeon River system in North Carolina, a small population of the Appalachian elktoe occurs in small scattered sites in the West Fork Pigeon River and in the main stem of the Pigeon River, above Canton, in Haywood County (J.A. Fridell, pers. observation 1999; McGrath 1998). The Little River (upper French Broad River system) population of the species, in Transylvania County, North Carolina (J.A. Fridell, pers. observation 2000; C. McGrath, North Carolina Wildlife Resources Commission (NCWRC), pers.

comm. 2000), is restricted to small scattered pockets of suitable habitat downstream of Cascade Lake.

In the Nolichucky River system, the Appalachian elktoe survives in a few scattered areas of suitable habitat in the Toe River, Yancey and Mitchell Counties, North Carolina (Service 1994, 1996; McGrath 1996, 1999); Cane River, Yancey County, North Carolina (Service 1994, 1996; McGrath 1997); and the main stem of the Nolichucky River, Yancey and Mitchell Counties, North Carolina, extending downstream to the vicinity of Erwin in Unicoi County, Tennessee (Service 1994, 1996). Two individuals have also recently been found in the North Toe River, Yancey and Mitchell Counties, North Carolina, below the confluence of Crabtree Creek (McGrath 1999), and 15 live individuals, with no more than 2 to 3 at each site (J.A. Fridell, pers. observation 1998, 2000) and one shell (S. Fraley, Tennessee Valley Authority, Norris, Tennessee, pers. comm. 1999) have been recorded from the South Toe River, Yancey County, North Carolina. The majority of the surviving occurrences of the Appalachian elktoe appear to be small to extremely small and restricted to scattered pockets of suitable habitat.

Historically, the species has been recorded from Tulula Creek (Tennessee River drainage), the main stem of the French Broad River, and the Swannanoa River (French Broad River system) (Clarke 1981), but has apparently been eliminated from these streams (Service 1994, 1996). There is also a historical record of the Appalachian elktoe from the North Fork Holston River in Tennessee (S. S. Haldeman collection); however, this record is believed to represent a mislabeled locality (Gordon 1991). If the historical record for the species in the North Fork Holston River was a good record, the species has apparently been eliminated from this river as well.

We know very little about the life history and microhabitat requirements of the Appalachian elktoe. The species has been reported from relatively shallow, medium-sized creeks and rivers with cool, clean, well-oxygenated, moderate-to fast-flowing water. The species is most often found in riffles, runs, and shallow flowing pools with stable, relatively silt-free, coarse sand and gravel substrate associated with cobble, boulders, and/or bedrock. Stability of the substrate appears to be critical to the Appalachian elktoe, and the species is seldom found in stream reaches with accumulations of silt or shifting sand, gravel, or cobble. Individuals that have been encountered in these areas are believed to have been scoured out of upstream areas during periods of heavy rain, and have not been found on subsequent surveys (C. McGrath, pers. comm. 1996; J.A. Fridell, pers. observation 1995, 1996, 1999).

Like other freshwater mussels, the Appalachian elktoe feeds by filtering food particles from the water column. The specific food habits of the species are unknown, but other freshwater mussels have been documented to feed on detritus, diatoms, phytoplankton, and zooplankton (Churchill and Lewis 1924). The reproductive cycle of the Appalachian elktoe is similar to that of other native freshwater mussels. Males release sperm into the water column; the sperm are then taken in by the females through their siphons during feeding and respiration. The females retain the fertilized eggs in their gills until the larvae (glochidia) fully develop. The mussel glochidia are released into the water, and within a few days they must attach to the appropriate species of fish, which they then parasitize for a short time while they develop into juvenile mussels. They then detach from their fish host and sink to the stream bottom where they continue to develop, provided they land in a suitable substrate with the correct water conditions. Personnel with the Tennessee Technological University at Cookeville, Tennessee, identified the banded sculpin (*Cottus carolinae*) as a host species for glochidia of the Appalachian elktoe (M. Gordon, Tennessee Technological University, pers. comm. 1993). The Environmental Protection Agency's (EPA) Science and Ecosystem Support Division's Aquatic Lab in Athens, Georgia, documented the mottled sculpin (*Cottus bairdi*), a species more common within the majority of the range of the Appalachian elktoe than the banded sculpin, as a suitable host for Appalachian elktoe (A. Keller, EPA, Athens, Georgia, pers. comm. 1999). The life span and many other aspects of the mussel's life history are currently unknown.

Reasons for Decline and Threats to Surviving Populations

Available information indicates that several factors adversely affect water and habitat quality of our creeks and rivers and have contributed to the decline and loss of populations of the Appalachian elktoe and threaten the remaining populations. These factors include pollutants in wastewater discharges (sewage treatment plants and industrial discharges); habitat loss and alteration associated with impoundments, channelization, and dredging operations; and the run-off of silt, fertilizers, pesticides, and other pollutants from poorly implemented land-use activities (Service 1994, 1996).

Freshwater mussels, especially in their early life stages, are extremely sensitive to many pollutants (chlorine, ammonia, heavy metals, high concentrations of nutrients, etc.) commonly found in municipal and industrial wastewater effluents (Havlik and Marking 1987, Goudreau *et al.* 1988, Keller and Zam 1991). In the early 1900s, Ortmann (1909) noted that the disappearance of mussels is one of the first and most reliable indicators of stream pollution.

Activities such as impoundments, channelization projects, and in-stream dredging operations eliminate mussel habitat. These activities can also alter the quality and stability of the remaining stream reaches by affecting the flow regimes, water velocities, and water temperature and chemistry.

Agriculture (both crop and livestock) and forestry operations, mining activities, highway and road construction, residential and industrial developments, and other construction and land-clearing activities that do not adequately control soil erosion and storm-water run-off contribute excessive amounts of silt, pesticides, fertilizers, heavy metals, and other pollutants. These pollutants suffocate and poison freshwater mussels. The run-off of storm water from cleared areas, roads, rooftops, parking lots, and other developed areas, which is often ditched or piped directly into streams, not only results in stream pollution but also results in increased water volume and velocity during heavy rains. The high volume and velocity cause channel and stream-bank scouring that leads to the degradation and elimination of mussel habitat. Construction and land-clearing operations are particularly detrimental when they result in the alteration of flood plains or the removal of forested stream buffers that ordinarily would help maintain water quality and the stability of stream banks and channels by absorbing, filtering, and slowly releasing rainwater. When storm water run-off increases from land-clearing activities, less water is absorbed to recharge ground water levels. Therefore, flows during dry months can decrease and adversely affect mussels and other aquatic organisms.

Previous Federal Actions

We recognized the Appalachian elktoe in the May 22, 1984, Animal Notice of Review published in the **Federal Register** (49 FR 21675) and again in the January 6, 1989, Animal Notice of Review (54 FR 579) as a species under review for potential

addition to the *Federal List of Endangered and Threatened Wildlife and Plants.* We designated the Appalachian elktoe as a category 2 candidate for Federal listing on these candidate lists. We no longer maintain a list of category 2 candidate species. At that time, category 2 represented those species for which we had some information indicating that the taxa may be under threat, but sufficient information was lacking to determine if they warranted Federal listing and to prepare a proposed rule. Subsequently, surveys of historical and potential Appalachian elktoe habitat were conducted and revealed that the species had undergone a significant decline throughout its historical range and that the remaining occurrences were threatened by many of the same factors that are believed to have resulted in this decline. Accordingly, on June 10, 1992, we reclassified the Appalachian elktoe as a category 1 candidate. At that time, category 1 candidates were those species for which we had enough substantial information on biological vulnerability and threats to support proposals to list them as endangered or threatened species. On April 20, 1992, and again on August 21, 1992, we notified appropriate Federal, State, and local government agencies that we were gathering information on the Appalachian elktoe and that the species might be proposed for Federal listing. We received a total of six written comments on these two notices. The North Carolina Wildlife Resources Commission (NCWRC) (two written comments), the North Carolina Natural Heritage Program (two written comments), and an interested biologist expressed their support for the species' being proposed for protection under the Act. The U.S. Soil Conservation Service stated that they did not have any additional information on this species. We did not receive any comments opposing the potential listing.

On September 3, 1993, we published in the **Federal Register** (58 FR 46940) a proposed rule to list the Appalachian elktoe as an endangered species. The proposed rule provided information on the species' biology, status, and threats to its continued existence and included our proposed determination that the designation of critical habitat was not prudent for the Appalachian elktoe. We solicited comments or suggestions concerning the proposed rule from the public, concerned governmental agencies, the scientific community, industry, and other interested parties. We requested comments from appropriate Federal and State agencies, county governments, scientific organizations, and interested parties by letters dated September 14, 1993, and January 27, 1994. We published a legal notice, which invited general public comment, in the following newspapers: *The Erwin Record,* Erwin, Tennessee, September 22, 1993; *Mitchell News Journal,* Spruce Pine, North Carolina, September 22, 1993; *Yancey Journal,* Burnsville, North Carolina, September 22, 1993; *Smoky Mountain Times,* Bryson City, North Carolina, September 23, 1993; and *Franklin Press,* Franklin, North Carolina, September 24, 1993.

In response to the proposed rule, we received four comments, one supporting the listing and three requesting a public hearing. In the **Federal Register** of January 21, 1994, (59 FR 3326) we published a notice announcing the public hearing and the reopening of the comment period to extend to February 21, 1994, to ensure that all interested parties had ample time to provide information on the proposed rule. On February 8, 1994, we held the public hearing at the Mitchell High School in Bakersville, North Carolina. We received 20 verbal statements and written comments during the public hearing; 14 of them expressed opposition to the listing of the Appalachian elktoe, 5 expressed support for the listing, and 1 expressed an interest but offered neither support nor opposition. We received 40 additional written comments during the reopened comment period; 8 opposed the listing, 31 supported the listing, and 1 expressed neither opposition nor support.

Following our review of all the comments and information received throughout the listing process, by final rule (59 FR 60324) dated November 23, 1994, we listed the Appalachian elktoe as endangered. We addressed the comments received throughout the listing process and incorporated changes into the final rule, as appropriate. That decision included our determination that the designation of critical habitat was not prudent for the Appalachian elktoe because, after a review of all the available information, we determined that such designation would not be beneficial to the species (see ''Prudency Determination'' section below).

On June 30, 1999, the Southern Appalachian Biodiversity Project and the Foundation for Global Sustainability filed a lawsuit in United States District Court for the District of Columbia against the Service, the Director of the Service, and the Secretary of the Department of the Interior, challenging the Service's ''not prudent'' critical habitat determinations for four species in North Carolina—the Appalachian elktoe (*Alasmidonta raveneliana*), Carolina heelsplitter (*Lasmigona decorata*), spruce-fir moss spider (*Microhexura montivaga*), and rock gnome lichen (*Gymnoderma lineare*). On February 29, 2000, the U.S. Department of Justice entered into a settlement agreement with the plaintiffs in which we agreed to reexamine our prudency determination and submit to the **Federal Register**, by February 1, 2001, a withdrawal of the existing not prudent determination for the Appalachian elktoe, together with a new proposed critical habitat determination if appropriate. We have agreed further that if, upon consideration of all the available information and comments, we determine that designating critical habitat is not prudent for the Appalachian elktoe, we will submit a final rule of that finding to the **Federal Register** by August 1, 2001. On the other hand, if we determine that the designation of critical habitat is prudent for the Appalachian elktoe, we will send a final rule of this finding to the **Federal Register** by November 1, 2001.

This proposal is the product of our reexamination of our prudency determination for the Appalachian elktoe and reflects our interpretation of the recent judicial opinions on critical habitat designation and the standards placed on us for making a not prudent determination. If additional information becomes available on the species' biology and distribution and threats to the species, we may reevaluate this proposal to designate critical habitat, including proposing additional critical habitat, proposing the deletion or boundary refinement of existing proposed critical habitat, or withdrawing our proposal to designate critical habitat.

Prudency Determination

Section 4(a)(3) of the Act and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, we designate critical habitat at the time a species is determined to be endangered or threatened. Regulations under 50 CFR 424.12(a)(1) state that the designation of critical habitat is not prudent when one or both of the following situations exist: (1) The species is threatened by taking or other activity and the identification of critical habitat can be expected to increase the degree of threat to the species or (2) such designation of critical habitat would not be beneficial to the species. In our November 23, 1994, final rule, we determined that the designation of critical habitat was not

prudent for the Appalachian elktoe because such designation would not be beneficial to the species.

A critical habitat designation has no effect on actions in which a Federal agency is not involved, including actions on private or State land unless these actions require Federal funds or a Federal permit. The regulations that provide for the protection of designated critical habitat come into play through section 7 of the Act. Requirements under section 7 of the Act apply only to Federal actions and activities. They require Federal agencies to ensure, in consultation with us, that activities they fund, authorize, or carry out are not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of designated critical habitat. Regulations for the implementation of section 7 of the Act (50 CFR 402.2) provide for both a ''jeopardy'' standard and an ''adverse modification or destruction of critical habitat'' standard. 50 CFR 402.2 defines ''jeopardize the continued existence of'' as meaning to engage in an action that would reasonably be expected, directly or indirectly, to appreciably reduce the likelihood of both the ''survival and recovery'' of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species. ''Destruction or adverse modification'' is defined as a direct or indirect alteration that appreciably diminishes the value of critical habitat for both the ''survival and recovery'' of a listed species. These regulations require that the analysis of adverse modification or destruction of critical habitat, like the jeopardy analysis, consider the detrimental effects of a proposed Federal action to both the survival and recovery of the listed species. Because of the restricted range and limited amount of suitable habitat available to the Appalachian elktoe, we determined in the November 23, 1994, final rule that any action that would likely result in the destruction or adverse modification of the species' habitat would also likely jeopardize the species' continued existence. Since Federal actions resulting in jeopardy are also prohibited by section 7, we determined that the designation of critical habitat would not provide any additional protection benefitting the species beyond that provided by the jeopardy standard.

In addition, we were concerned that the rarity and uniqueness of the Appalachian elktoe could generate interest in the species and that the publicity associated with the designation of critical habitat, together with the publication of maps and descriptions of critical habitat, could increase the vulnerability of the species to collection, vandalism, or other disturbance. Although we did not base our ''not prudent'' determination on increased threat to the Appalachian elktoe, we did consider the potential increased threat to the species from critical habitat designation in making our determination that the designation of critical habitat was not prudent for the Appalachian elktoe because it would not benefit the species.

However, in the past few years, several of our determinations that the designation of critical habitat would not be prudent have been overturned by court decisions. For instance, in *Conservation Council for Hawaii* v. *Babbitt*, the United States District Court for the District of Hawaii ruled that the Service could not rely on the ''increased threat'' rationale for a ''not prudent'' determination without specific evidence of the threat to the species at issue (2 F. Supp. 2d 1280 [D. Hawaii 1998]). And in *Natural Resources Defense Council* v. *U.S. Department of the Interior*, the United States Court of Appeals for the Ninth Circuit ruled that the Service must balance, in order to invoke the ''increased threat rationale,'' the threat against the benefit to the species of designating critical habitat, 113 F. 3d 1121, 1125 (9th Cir. 1997).

We continue to be concerned that the Appalachian elktoe is vulnerable to unrestricted collection or disturbance of its habitat and that these threats might be increased by the publication of critical habitat maps and further dissemination of location and habitat information. Although we have received one unconfirmed report since the Appalachian elktoe was listed as endangered, where Appalachian elktoes have been collected and used as fish bait, at this time we do not have specific evidence for the taking, collection, trade, vandalism, or other unauthorized human disturbance specific to the Appalachian elktoe. Consequently, we hereby propose to withdraw our previous determination that the identification of critical habitat can be expected to increase the degree of threat to the species.

The courts also have ruled that, in the absence of a finding that the designation of critical habitat would increase threats to a species, the existence of another type of protection, even if it offers potentially greater protection to the species, does not justify a ''not prudent'' finding *Conservation Council for Hawaii* v. *Babbitt* 2 F. Supp. 2d 1280. Accordingly, we withdraw our previous determination that designation of critical habitat will not benefit the Appalachian elktoe. It is true that we are already working with Federal and State agencies, private individuals, and organizations in carrying out conservation activities for the Appalachian elktoe and in conducting surveys for additional occurrences of the species and to assess habitat conditions. These entities are fully aware of the distribution, status, and habitat requirements for the Appalachian elktoe, as currently known. However, as stated above, some additional educational or informational benefit may result from designating critical habitat. Therefore, we propose that the designation of critical habitat is prudent for the Appalachian elktoe.

Proposed Critical Habitat

Critical habitat is defined in section 3(5)(A) of the Act as (i) the specific areas within the geographic area occupied by the species on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management consideration or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. Areas outside the geographic area currently occupied by the species shall be designated as critical habitat only when a designation limited to its present range would be inadequate to ensure the conservation of the species. ''Conservation'' is defined in section 3(3) of the Act as the use of all methods and procedures necessary to bring endangered or threatened species to the point where listing under the Act is no longer necessary. Regulations under 50 CFR 424.02(j) define ''special management considerations or protection'' to mean any methods or procedures useful in protecting the physical and biological features of the environment for the conservation of listed species.

In order to be included in a critical habitat designation, the habitat must first be ''essential to the conservation of the species.'' Critical habitat designations identify, to the extent known using the best scientific and commercial data available, habitat areas that provide essential life cycle needs of the species (i.e., areas on which are found the primary constituent elements, as defined at 50 CFR 424.12(b)).

Section 4 requires that we designate critical habitat at the time of listing and based on what we know at the time of the designation. When we designate critical habitat at the time of listing or under short court-ordered deadlines, we

will often not have sufficient information to identify all areas of critical habitat. We are required, nevertheless, to make a decision and thus must base our designations on what, at the time of designation, we know to be critical habitat.

Within the geographic area occupied by the species, we will designate only areas currently known to be essential. Essential areas should already have the features and habitat characteristics that are necessary to sustain the species. We will not speculate about what areas might be found to be essential if better information became available, or what areas may become essential over time. If the information available at the time of designation does not show that an area provides essential life cycle needs of the species, then the area should not be included in the critical habitat designation. Within the geographic area occupied by the species, we will not designate areas that do not now have the primary constituent elements, as defined at 50 CFR 424.12(b), that provide essential life cycle needs of the species.

Our regulations state that, ''The Secretary shall designate as critical habitat areas outside the geographical area presently occupied by a species only when a designation limited to its present range would be inadequate to ensure the conservation of the species.'' (50 CFR 424.12(e)). Accordingly, when the best available scientific and commercial data do not demonstrate that the conservation needs of the species require designation of critical habitat outside of occupied areas, we will not designate critical habitat in areas outside the geographic area occupied by the species.

The Service's Policy on Information Standards Under the Endangered Species Act, published in the **Federal Register** on July 1, 1994 (59 FR 34271), provides criteria, establishes procedures, and provides guidance to ensure that decisions made by the Service represent the best scientific and commercial data available. It requires Service biologists, to the extent consistent with the Act and with the use of the best scientific and commercial data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat. When determining which areas are critical habitat, a primary source of information should be the listing package for the species. Additional information may be obtained from a recovery plan, articles in peer-reviewed journals, conservation plans developed by States and counties, scientific status surveys and studies, and biological assessments or other unpublished materials (i.e., gray literature).

Habitat is often dynamic, and species may move from one area to another over time. Furthermore, we recognize that designation of critical habitat may not include all of the habitat areas that may eventually be determined to be necessary for the recovery of the species. For these reasons, all should understand that critical habitat designations do not signal that habitat outside the designation is unimportant or may not be required for recovery. Areas outside the critical habitat designation will continue to be subject to conservation actions that may be implemented under section 7(a)(1) and to the regulatory protections afforded by the section 7(a)(2) jeopardy standard and the section 9 take prohibition, as determined on the basis of the best available information at the time of the action. We specifically anticipate that federally funded or assisted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. Similarly, critical habitat designations made on the basis of the best available information at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans, or other species conservation planning efforts if new information available to these planning efforts calls for a different outcome.

Section 4(b)(2) of the Act requires us to base critical habitat proposals on the best scientific and commercial data available, after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat. We may exclude areas from critical habitat designation when the benefits of excluding those areas outweigh the benefits of including the areas within the critical habitat, provided the exclusion will not result in the extinction of the species.

Methods

The proposed areas of critical habitat described below constitute our best assessment of the areas needed for the conservation and recovery of the Appalachian elktoe in accordance with the goals outlined in our recovery plan for the species (Service 1996), and are based on the best scientific and commercial information currently available to us concerning the species' known present and historical range, habitat, biology, and threats. All of the areas we propose to designate as critical habitat are within what we believe to be the geographic area occupied by the Appalachian elktoe, include all known surviving occurrences of the species, and are essential for the conservation of the species. To the extent feasible, we will continue, with the assistance of other Federal, State, and private researchers, to conduct surveys and research on the species and its habitat. If new information becomes available indicating that other areas within the Appalachian elktoe's historical range are essential to the conservation of the species, we will revise the proposed critical habitat or designated critical habitat for the Appalachian elktoe accordingly.

Primary Constituent Elements

In accordance with sections 3(5)(A)(i) and 4(b)(1)(A) of the Act and regulations at 50 CFR 424.12, in determining which areas to propose as critical habitat, we are required to base critical habitat determinations on the best scientific and commercial data available and to consider those physical and biological features (primary constituent elements) that are essential to the conservation of the species and that may require special management considerations or protection. Such requirements include, but are not limited to: space for individual and population growth and for normal behavior; food, water, air, light, minerals, or other nutritional or physiological requirements; cover or shelter; sites for breeding, reproduction, and rearing of offspring; and habitats that are protected from disturbance or are representative of the historical geographical and ecological distribution of a species.

When considering areas for designation as critical habitat, we are required to focus on the principal biological and physical constituent elements within the defined area that are essential to the conservation of the species (50 CFR 424.12 (b)). Although additional information is needed to better define the habitat requirements of the species, particularly the microhabitat requirements, based on the best available information, the primary constituent elements essential for the conservation of the Appalachian elktoe are:

1. Permanent, flowing, cool, clean water;
2. Geomorphically stable stream and river channels and banks;
3. Pool, riffle, and run sequences within the channel;
4. Sand, gravel, cobble, boulder, and bedrock substrates with no more than low amounts of fine sediment;
5. Moderate to high stream gradient;
6. Periodic natural flooding; and

7. fish hosts, with adequate living, foraging, and spawning areas for them.

Areas Proposed for Designation as Critical Habitat

The proposed designation of critical habitat for the Appalachian elktoe includes 38.5 kilometers (km)—24.0 river miles (rm)—of the Little Tennessee River in Swain and Macon Counties, North Carolina; 41.6 km (26.0 rm) of the Tuckasegee River in Jackson and Swain Counties, North Carolina; 14.6 km (9.1 rm) of the Cheoah River in Graham County, North Carolina; 7.5 km (4.7 rm) of the Little River in Transylvania County, North Carolina; 17.8 km (11.1 rm) of the West Fork Pigeon River and the Pigeon River in Haywood County, North Carolina; 22.6 km (14.1 rm) of the South Toe River and 26.4 km (16.5 rm) of the Cane River in Yancey County, North Carolina; 5.9 km (3.7 rm) of the North Toe River and 34.6 km (21.6 rm) of the Toe River in Yancey and Mitchell Counties, North Carolina; and 21.6 km (13.5 rm) of the Nolichucky River in Yancey and Mitchell Counties, North Carolina, and Unicoi County, Tennessee.

Approximately 67 percent—14.4 km (9.0 rm)—of the portion of the Nolichucky River that is proposed for designation as critical habitat is bordered by the Pisgah National Forest in North Carolina and the Cherokee National Forest in Tennessee; 88 percent—12.8 km (8.0 rm)—of the portion of the Cheoah River proposed for designation as critical habitat is bordered by the Nantahala National Forest; and a small percentage of the portion of the Tuckasegee River proposed for designation as critical habitat is bordered by land belonging to the Eastern Band of the Cherokee Indians. The remainder of the land along the portions of the Nolichucky River, Cheoah River, and Tuckasegee River proposed for designation as critical habitat, and all of the land along the portions of the Little Tennessee River, Little River, West Fork Pigeon River, Pigeon River, North Toe River, South Toe River, and Cane River that are proposed for designation as critical habitat are privately owned.

We are proposing the following areas for designation as critical habitat for the Appalachian elktoe; these areas provide all of the above primary constituent elements. The lateral extent of proposed critical habitat is up to the ordinary high water line on each bank. In addition, given the threats to the species' habitat discussed in the final listing rule (59 FR 60324) and summarized above, we believe these areas may need special management considerations or protection:

Unit 1. Macon County and Swain County, North Carolina

Unit 1 encompasses the main stem of the Little Tennessee River (Tennessee River system), from the Lake Emory Dam at Franklin, Macon County, North Carolina, downstream to the backwaters of Fontana Reservoir in Swain County, North Carolina. This unit is part of the currently occupied range of the Appalachian elktoe and, based on the best available information, provides the physical and biological habitat elements necessary for the life cycle needs of the species. In accordance with the recovery goals and criteria outlined in the recovery plan for the Appalachian elktoe (Service 1996), protection of this unit is essential to the conservation of the species.

Unit 2. Jackson County and Swain County, North Carolina

Unit 2 encompasses the main stem of the Tuckasegee River (Little Tennessee River system), from the N.C. State Route 1002 Bridge in Cullowhee, Jackson County, North Carolina, downstream to the N.C. Highway 19 Bridge, north of Bryson City, Swain County, North Carolina. This unit is part of the currently occupied range of the Appalachian elktoe and, based on the best available information, provides the physical and biological habitat elements necessary for the life cycle needs of the species. In accordance with the recovery goals and criteria outlined in the recovery plan for the Appalachian elktoe (Service 1996), protection of this unit is essential to the conservation of the species.

Unit 3. Graham County, North Carolina

Unit 3 encompasses the main stem of the Cheoah River (Little Tennessee River system), from the Santeetlah Dam, downstream to its confluence with the Little Tennessee River. This unit is part of the currently occupied range of the Appalachian elktoe and, based on the best available information, provides the physical and biological habitat elements necessary for the life cycle needs of the species. In accordance with the recovery goals and criteria outlined in the recovery plan for the Appalachian elktoe (Service 1996), protection of this unit is essential to the conservation of the species.

Unit 4. Transylvania County, North Carolina

Unit 4 encompasses the main stem of the Little River (French Broad River system), from the Cascade Lake Power Plant, downstream to its confluence with the French Broad River. This unit is part of the currently occupied range of the Appalachian elktoe and, based on the best available information, provides the physical and biological habitat elements necessary for the life cycle needs of the species. In accordance with the recovery goals and criteria outlined in the recovery plan for the Appalachian elktoe (Service 1996), protection of this unit is essential to the conservation of the species.

Unit 5. Haywood County, North Carolina

Unit 5 encompasses the main stem of the West Fork Pigeon River (French Broad River system), from the confluence of the Little East Fork Pigeon River, downstream to the confluence of the East Fork Pigeon River, and the main stem of the Pigeon River, from the confluence of the West Fork Pigeon River and the East Fork Pigeon River, downstream to the N.C. Highway 215 Bridge crossing, south of Canton, North Carolina. This unit is part of the currently occupied range of the Appalachian elktoe and, based on the best available information, provides the physical and biological habitat elements necessary for the life cycle needs of the species. In accordance with the recovery goals and criteria outlined in the recovery plan for the Appalachian elktoe (Service 1996), protection of this unit is essential to the conservation of the species.

Unit 6. Yancey County and Mitchell County, North Carolina, and Unicoi County, Tennessee

Unit 6 encompasses the main stem of the North Toe River, Yancey and Mitchell Counties, North Carolina, from the confluence of Big Crabtree Creek, downstream to the confluence of the South Toe River; the main stem of the South Toe River, Yancey County, North Carolina, from the N.C. State Route 1152 Bridge, downstream to its confluence with the North Toe River; the main stem of the Toe River, Yancey and Mitchell Counties, North Carolina, from the confluence of the North Toe River and the South Toe River, downstream to the confluence of the Cane River; the main stem of the Cane River, Yancey County, North Carolina, from the N.C. State Route 1381 Bridge, downstream to its confluence with the Toe River; and the main stem of the Nolichucky River from the confluence of the Toe River and the Cane River in Yancey County and Mitchell County, North Carolina, downstream to the U.S. Highway 23/19W Bridge southwest of Erwin, Unicoi County, Tennessee. This unit is part of

the currently occupied range of the Appalachian elktoe and, based on the best available information, provides the physical and biological habitat elements necessary for the life cycle needs of the species. In accordance with the recovery goals and criteria outlined in the recovery plan for the Appalachian elktoe (Service 1996), protection of this unit is essential to the conservation of the species.

Effects of Critical Habitat Designation

Designating critical habitat does not, in itself, lead to the recovery of a listed species. The designation does not establish a reserve, create a management plan, establish numerical population goals, prescribe specific management practices (inside or outside of critical habitat), or directly affect areas not designated as critical habitat. Specific management recommendations for areas designated as critical habitat are most appropriately addressed in recovery and management plans and through section 7 consultation and section 10 permits.

Critical habitat receives regulatory protection only under section 7 of the Act through the prohibition against destruction or adverse modification of designated critical habitat by actions carried out, funded, or authorized by a Federal agency. Section 7 also requires conferences on Federal actions that are likely to result in the adverse modification or destruction of proposed critical habitat. Aside from the protection that may be provided under section 7, the Act does not provide other forms of protection to land designated as critical habitat. Because consultation under section 7 of the Act does not apply to activities on private or other non-Federal land that do not involve a Federal action, the critical habitat designation would not afford any protection under the Act against such activities. Accordingly, the designation of critical habitat on private land will not have any regulatory effect on private or State activities in these areas unless those activities require a Federal permit, authorization, or funding.

Section 7(a)(4) of the Act and regulations at 50 CFR 402.10 require Federal agencies to confer with us on any action that is likely to result in the destruction or adverse modification of proposed critical habitat. ''Destruction or adverse modification'' is defined as a direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species. These conferences, which consist of informal discussions, are intended to assist responsible agencies and the applicant, if applicable, in identifying and resolving potential conflicts. Conference reports resulting from these discussions provide conservation recommendations to assist the agency in eliminating conflicts that may be caused by the proposed action. The conservation recommendations in a conference report are advisory. We may issue a formal conference opinion if requested by a Federal agency. Formal conference opinions on proposed critical habitat are prepared according to 50 CFR 402.14 as if critical habitat were designated. We may adopt the formal conference opinion as the biological opinion when the critical habitat is designated if no significant new information or changes in the action alter the content of the opinion (see 50 CFR 402.10(d)).

If this proposal is finalized, activities on Federal land, activities on private or State land carried out by a Federal agency, or activities receiving funding or requiring a permit from a Federal agency that may affect the designated critical habitat of the Appalachian elktoe will require consultation under section 7 of the Act. However, section 7 of the Act also requires Federal agencies to ensure that actions they authorize, fund, or carry out do not jeopardize the continued existence of listed species and to consult with us on any action that may affect a listed species. Activities that jeopardize listed species are defined as actions that ''directly or indirectly, reduce appreciably the likelihood of both the survival and recovery of a listed species'' (50 CFR 402.02). Federal agencies are prohibited from jeopardizing listed species through their actions, regardless of whether critical habitat has been designated for the species. Where critical habitat is designated, section 7 also requires Federal agencies to ensure that activities they authorize, fund, or carry out do not result in the destruction or adverse modification of designated critical habitat. Activities that destroy or adversely modify critical habitat are defined as an action that ''appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species'' (50 CFR 402.02). Common to the definitions of both ''jeopardy'' and ''destruction or adverse modification of critical habitat'' is the concept that the likelihood of both the survival and recovery of the species are appreciably reduced by the action. Because of the small size of the majority of the surviving populations of the Appalachian elktoe, the species' restricted range, and the limited amount of suitable habitat available to the species, actions that are likely to destroy or adversely modify critical habitat are also likely to jeopardize the species. Accordingly, even though Federal agencies will be required to evaluate the potential effects of their actions on any habitat that is designated as critical habitat for the Appalachian elktoe, this designation would not be likely to change the outcome of section 7 consultations.

Section 4(b)(8) of the Act requires us to briefly evaluate, in any proposed or final regulation that designates critical habitat, those activities that may adversely modify such habitat or may be affected by such designation. Activities that may destroy or adversely modify critical habitat are, as discussed above, those that alter the primary constituent elements to the extent that the value of critical habitat for both the survival and recovery of the Appalachian elktoe is appreciably diminished. This may include any activity, regardless of the activity's location in relation to designated or proposed critical habitat, that would significantly alter the natural flow regime, channel morphology or geometry, or water chemistry or temperature of any of the six proposed critical habitat units, as described by the constituent elements, or any activity that could result in the significant discharge or deposition of sediment, excessive nutrients, or other organic or chemical pollutants into any of the six proposed critical habitat units. Such activities include (but are not limited to) carrying out or issuing permits, authorization, or funding for reservoir construction; stream alterations; wastewater facility development; hydroelectric facility construction and operation; pesticide/herbicide applications; forestry operations; and road, bridge, and utility construction. Please note that these same activities also have the potential to jeopardize the continued existence of the Appalachian elktoe, and Federal agencies are already required to consult with us on these types of activities, or any other activity, that may affect the species.

Requests for copies of the regulations on listed wildlife and inquiries about prohibitions and permits, or questions regarding whether specific activities will constitute adverse modification of critical habitat, may be addressed to the U.S. Fish and Wildlife Service, Asheville Field Office, 160 Zillicoa Street, Asheville, North Carolina 28801.

Economic Analysis

Section 4(b)(2) of the Act requires us to designate critical habitat on the basis of the best scientific and commercial information available and to consider the economic and other relevant

impacts of designating a particular area as critical habitat. We may exclude areas as critical habitat upon a determination that the benefits of such exclusion outweigh the benefits of specifying such areas as critical habitat. We cannot exclude such areas from critical habitat when such exclusion will result in the extinction of the species. We will conduct an analysis of the economic impacts of designating the areas identified above as critical habitat prior to a final determination. When a draft economic analysis is completed, we will announce its availability with a notice in the **Federal Register** and will open a 30-day comment period at that time. Secretarial Order 3206: American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act.

In accordance with the Presidential Memorandum of April 29, 1994, and E.O. 13175 we are required to assess the effects of critical habitat designations on tribal land and tribal trust resources. A portion of the Tuckasegee River that we consider to be essential to the conservation of the Appalachian elktoe and that we are proposing for designation as critical habitat for the species is partially bordered by land owned by the Eastern Band of the Cherokee Indians. The short amount of time allowed to us under the settlement agreement (see ''Previous Federal Actions'' section above) for preparing this proposal has precluded us from coordinating the proposal with the Eastern Band of the Cherokee Indians. However, subsequent to this proposal, we will consult with them before making a final determination as to whether this reach of the Tuckasegee River should be designated as critical habitat for the Appalachian elktoe.

Public Comments Solicited

We intend that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, we solicit comments or suggestions from the public, other concerned governmental agencies, Native American tribes, the scientific community, industry, or any other interested party concerning this proposed rule. We particularly seek comments concerning:

1. The reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

2. Specific information on the numbers and distribution of the Appalachian elktoe and what habitat is essential to the conservation of the species and why;

3. Information on specific characteristics of habitat essential to the conservation of the Appalachian elktoe;

4. Land-use practices and current or planned activities in the subject areas and their possible effects on proposed critical habitat;

5. Any foreseeable economic or other impacts resulting from the proposed designation of critical habitat, in particular, any impacts on small entities or families;

6. Economic and other values associated with designating critical habitat for the Appalachian elktoe, such as those derived from nonconsumptive uses (e.g., hiking, camping, bird-watching, enhanced watershed protection, improved air quality, ''existence values,'' and reductions in administrative costs); and

7. Potential adverse effects to the Appalachian elktoe and/or its habitat associated with designating critical habitat for the species; e.g., increased risk to the species from collecting or the destruction of its habitat.

8. Whether our approach to critical habitat designation could be improved or modified in any way to provide for greater public participation and understanding, or to assist us in accommodating public concern and comments.

Please submit comments as an ASCII file format and avoid the use of special characters and encryption. Please also include ''Attn: [RIN number]'' and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Asheville Field Office (see **ADDRESSES** section).

Our practice is to make all comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. In some circumstances, we would withhold also from the rulemaking record a respondent's identity, as allowable by law. If you wish for us to withhold your name and/or address, you must state this prominently at the beginning of your comments. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Peer Review

In accordance with our policy published on July 1, 1994 (59 FR 34270), we will seek the expert opinions of at least three appropriate and independent specialists regarding this proposed rule. The purpose of such a review is to ensure that listing decisions are based on scientifically sound data, assumptions, and analyses. We will send these peer reviewers copies of this proposed rule immediately following publication in the **Federal Register**. We will invite these peer reviewers to comment, during the comment period, on the specific assumptions and conclusions regarding the proposed designation of critical habitat.

We will consider all comments and information received during the 60-day comment period on this proposed rule during preparation of a final rulemaking. Accordingly, the final decision may differ from this proposal.

Public Hearings

The Act provides for one or more public hearings on this proposal, if requested. Requests must be filed within 45 days of the date of this proposal. Such requests must be made in writing and should be addressed to the State Supervisor, Asheville Field Office (see **ADDRESSES** section). Written comments submitted during the comment period receive equal consideration with those comments presented at a public hearing.

Clarity of the Rule

Executive Order 12866 requires each agency to write regulations/notices that are easy to understand. We invite your comments on how to make this notice easier to understand, including answers to questions such as the following: (1) Are the requirements in the notice clearly stated? (2) Does the notice contain unnecessary technical language or jargon that interferes with the clarity? (3) Does the format of the proposed rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Is the description of the notice in the ''Supplementary Information'' section of the preamble helpful in understanding the notice? (5) What else could we do to make the notice easier to understand?

Send a copy of any comments that concern how we could make this notice easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, NW, Washington, DC 20240. You may e-mail your comments to the following address: Execsec@ios.doi.gov.

Required Determinations

Regulatory Planning and Review

In accordance with the criteria in Executive Order 12866, this rule is a significant regulatory action and has been reviewed by the Office of Management and Budget (OMB).

(a) In the economic analysis, we will determine whether this rule will have an annual economic effect of $100 million or more, or adversely affect an economic sector, productivity, jobs, the environment, or other units of government. The Appalachian elktoe was listed as an endangered species in 1994. Since that time we have conducted, and will continue to conduct, formal and informal section 7 consultations with other Federal agencies to ensure that their actions will not jeopardize the continued existence of the Appalachian elktoe.

Under the Act, critical habitat may not be adversely modified by a Federal agency action; critical habitat does not impose any restrictions on non-Federal persons unless they are conducting activities funded or otherwise sponsored or permitted by a Federal agency (see Table 1 below). Section 7 of the Act requires Federal agencies to ensure that they do not jeopardize the continued existence of the species. Based on our experience with the species and its needs, we believe that any Federal action or authorized action that could potentially cause an adverse modification of the proposed critical habitat would currently be considered as ''jeopardy'' to the species under the Act.

Accordingly, we do not expect the designation of areas as critical habitat within the geographical range occupied by the species to have any incremental impacts on what actions may or may not be conducted by Federal agencies or non-Federal persons that receive Federal authorization or funding. Non-Federal persons who do not have a Federal ''sponsorship'' of their actions are not restricted by the designation of critical habitat. (However, they continue to be bound by the provisions of the Act concerning ''take'' of the species, which came into play in 1994 when the species was listed as endangered.)

(b) This rule will not create inconsistencies with other agencies' actions. Federal agencies have been required to ensure that their actions do not jeopardize the continued existence of the Appalachian elktoe since the listing in 1994. As shown in Table 1 (below), no additional effects on agency actions are anticipated to result from the critical habitat designation. However, we will continue to review this proposed action for any inconsistencies with other Federal agency actions.

TABLE 1.—IMPACTS OF APPALACHIAN ELKTOE LISTING AND CRITICAL HABITAT DESIGNATION

Categories of activities	Activities potentially affected by species listing only [1]	Additional activities potentially affected by critical habitat designation [2]
Federal Activities Potentially Affected [3]	Activities such as carrying out or issuing permits, authorization, or funding for reservoir construction; stream alterations; wastewater facility development; hydroelectric facility construction and operation; pesticide/herbicide applications; forestry operations; road, bridge, and utility construction; or other activities that could result in direct or indirect impacts to the Appalachian elktoe and/or its habitat.	None.
Private and other non-Federal Activities Potentially Affected [4].	Activities occurring on Federal land or that require a action (permit, authorization, or funding) and that involve activities such as those listed above that could result in ''take'' of the Appalachian elktoe or damage or destruction of its habitat.	None.

[1] This column represents the activities potentially affected by listing the Appalachian elktoe as an endangered species (November 23, 1994; 59 FR 60324) under the Endangered Species Act.
[2] This column represents the effects on activities resulting from critical habitat designation beyond the effects attributable to the listing of the species.
[3] Activities initiated by a Federal agency.
[4] Activities initiated by a private or other non-Federal entity that may need Federal authorization or funding.

(c) The proposed rule, if made final, will not significantly impact entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. Federal agencies currently are required to ensure that their activities do not jeopardize the continued existence of the species, and we do not anticipate that the adverse modification prohibition (resulting from the critical habitat designation) will have any incremental effects in areas of proposed critical habitat.

(d) This rule will not raise novel legal or policy issues. The proposed rule follows the requirements for determining critical habitat contained in the Act.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

In the draft economic analysis (under section 4 of the Act), we will determine whether the designation of critical habitat will have a significant effect on a substantial number of small entities. As discussed under ''Regulatory Planning and Review'' above, this rule is not expected to result in any restrictions in addition to those currently in existence for areas of proposed critical habitat.

Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2))

In the economic analysis, we will determine whether the designation of critical habitat will cause (a) any effect on the economy of $100 million or more, (b) any increases in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographical regions, or (c) any significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. As discussed above, we anticipate that the designation of critical habitat will not have any additional effects on these activities in areas of critical habitat that are within the geographical range occupied by the species.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*):

a. This rule will not ''significantly or uniquely'' affect small governments. A Small Government Agency Plan is not required. Small governments will not be affected unless they propose an action requiring Federal funds, permits, or other authorization. Any such activity will require that the involved Federal agency ensure that the action will not adversely modify or destroy designated critical habitat.

b. This rule will not produce a Federal mandate on State, local, or tribal governments or the private sector of $100 million or greater in any year; that is, it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act. The designation of critical habitat imposes no new obligations on State or local governments.

Takings

In accordance with Executive Order 12630, this rule does not have significant takings implications, and a takings implication assessment is not required. This proposed rule, if made final, will not ''take'' private property. The designation of critical habitat affects only Federal agency actions. Federal actions on private land could be affected by the critical habitat designation; however, we expect no regulatory effect from this designation since all proposed areas are considered to be within the geographical range occupied by the species and would be reviewed under both the jeopardy and adverse modification standards under section 7 of the Act.

This rule will not increase or decrease the current restrictions on private property concerning taking of the Appalachian elktoe as defined in section 9 of the Act and its implementing regulations (50 CFR 17.31). Additionally, critical habitat designation does not preclude the development of habitat conservation plans and the issuance of incidental take permits. Any landowner in areas that are included in the designated critical habitat will continue to have opportunity to utilize his or her property in ways consistent with the survival of the Appalachian elktoe.

Federalism

In accordance with Executive Order 13132, this rule does not have significant federalism effects. A Federalism Assessment is not required. In keeping with Department of the Interior and Department of Commerce policy, we requested information from, and coordinated the development of this critical habitat proposal with, appropriate State natural resources agencies in North Carolina and Tennessee. We will continue to coordinate any future designation of critical habitat for the Appalachian elktoe with the appropriate State agencies. The designation of critical habitat for the Appalachian elktoe imposes few, if any, additional restrictions to those currently in place and therefore has little incremental impact on State and local governments and their activities. The designation may provide some benefit to these governments in that the areas essential to the conservation of the species are more clearly defined and, to the extent currently feasible, the primary constituent elements of the habitat necessary to the survival of the species are specifically identified. While making this definition and identification does not alter where and what federally sponsored activities may occur, doing so may assist these local governments in long-range planning (rather than waiting for case-by-case section 7 consultations to occur).

Civil Justice Reform

In accordance with Executive Order 12988, the Department of the Interior's Office of the Solicitor determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order. The Office of the Solicitor will review the final determination for this proposal. We will make every effort to ensure that the final determination contains no drafting errors, provides clear standards, simplifies procedures, reduces burdens, and is clearly written, such that the risk of litigation is minimized.

Paperwork Reduction Act

This rule does not contain any new collections of information that require approval by the Office of Management and Budget (OMB) under 44 U.S.C. 3501 *et seq.* This rule will not impose new record-keeping or reporting requirements on State or local governments, individuals, businesses, or organizations.

National Environmental Policy Act

We have determined that we do not need to prepare an Environmental Assessment or an Environmental Impact Statement as defined by the National Environmental Policy Act of 1969 in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

A complete list of all references cited in this proposed rule is available upon request from the Asheville Field Office (see **ADDRESSES** section).

Author

The primary author of this document is John Fridell (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

For the reasons given in the preamble, we propose to amend 50 CFR part 17, as set forth below.

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. In § 17.11(h), revise the entry for the ''Elktoe, Appalachian'' under ''CLAMS'' to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*		*
CLAMS							
*	*	*	*	*	*		*
Elktoe, Appalachian	*Alasmidonta raveneliana*.	U.S.A	(NC, TN)	E	563	17.95(f)	NA
*	*	*	*	*	*		*

3. Amend § 17.95(f) by adding critical habitat for the Appalachian elktoe (*Alasmidonta raveneliana*), in the same alphabetical order as the species occurs in 17.11(h).

§ 17.95 Critical habitat—fish and wildlife.

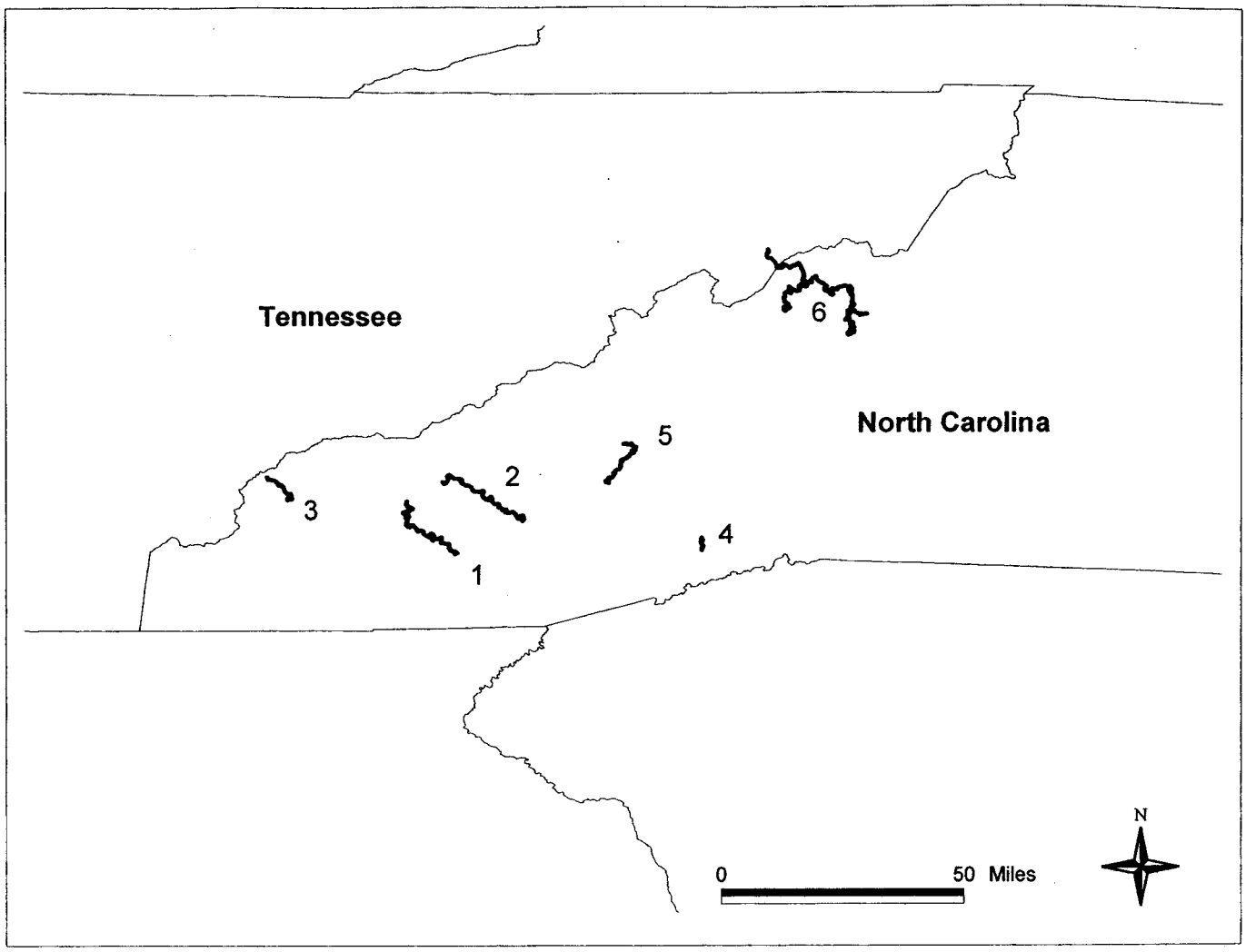
* * * * *

(f) *Clams and snails.*

* * * * *

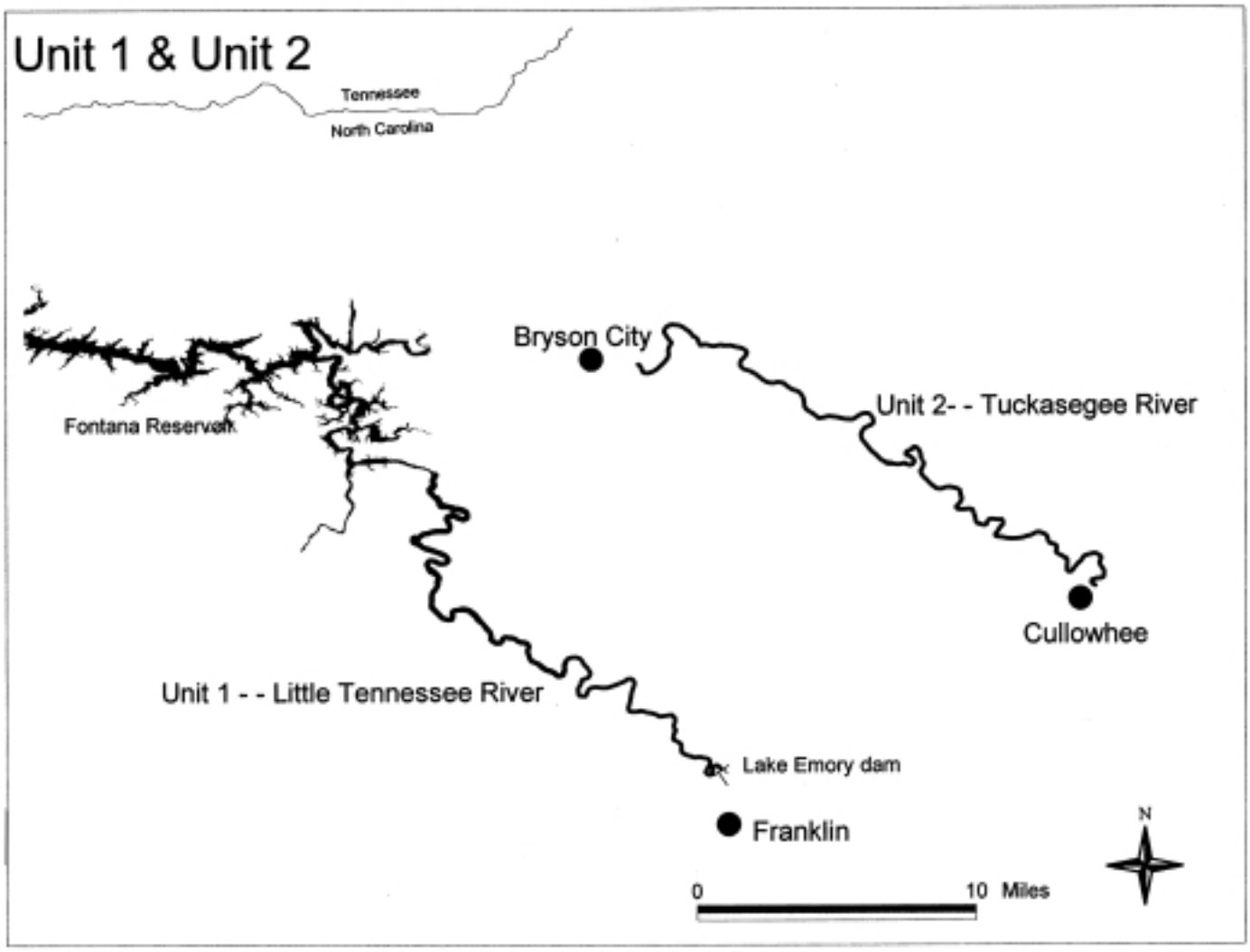
Appalachian elktoe (*Alasmidonta raveneliana*)

1. Critical habitat units proposed for designation as critical habitat are described below and depicted in the maps that follow, with the lateral extent of each designated unit bounded by the ordinary high water line:

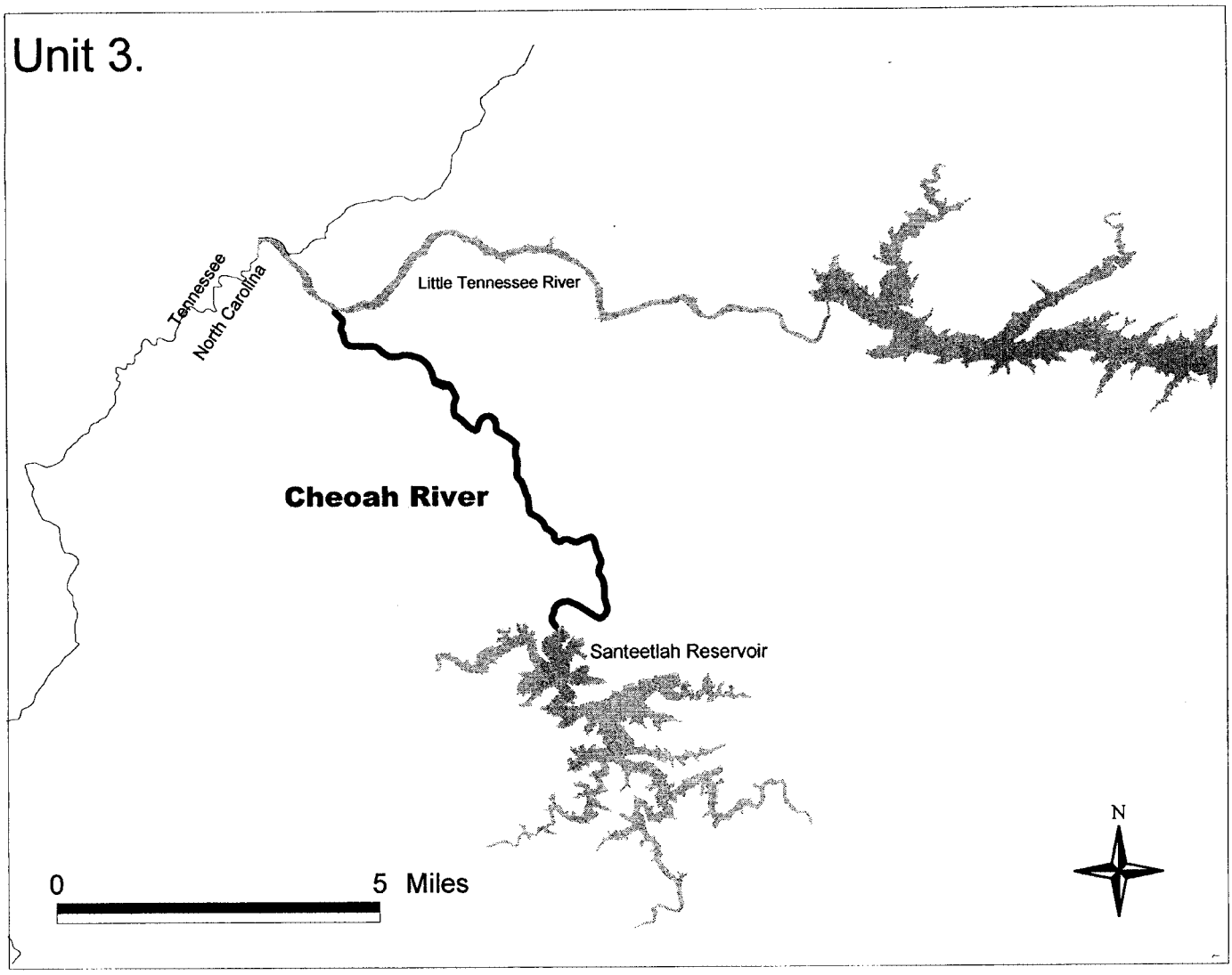


Unit 1: Macon County and Swain County, North Carolina—the main stem of the Little Tennessee River (Tennessee River system), from the Lake Emory Dam at Franklin, Macon County, North Carolina, downstream to the backwaters of Fontana Reservoir in Swain County, North Carolina.

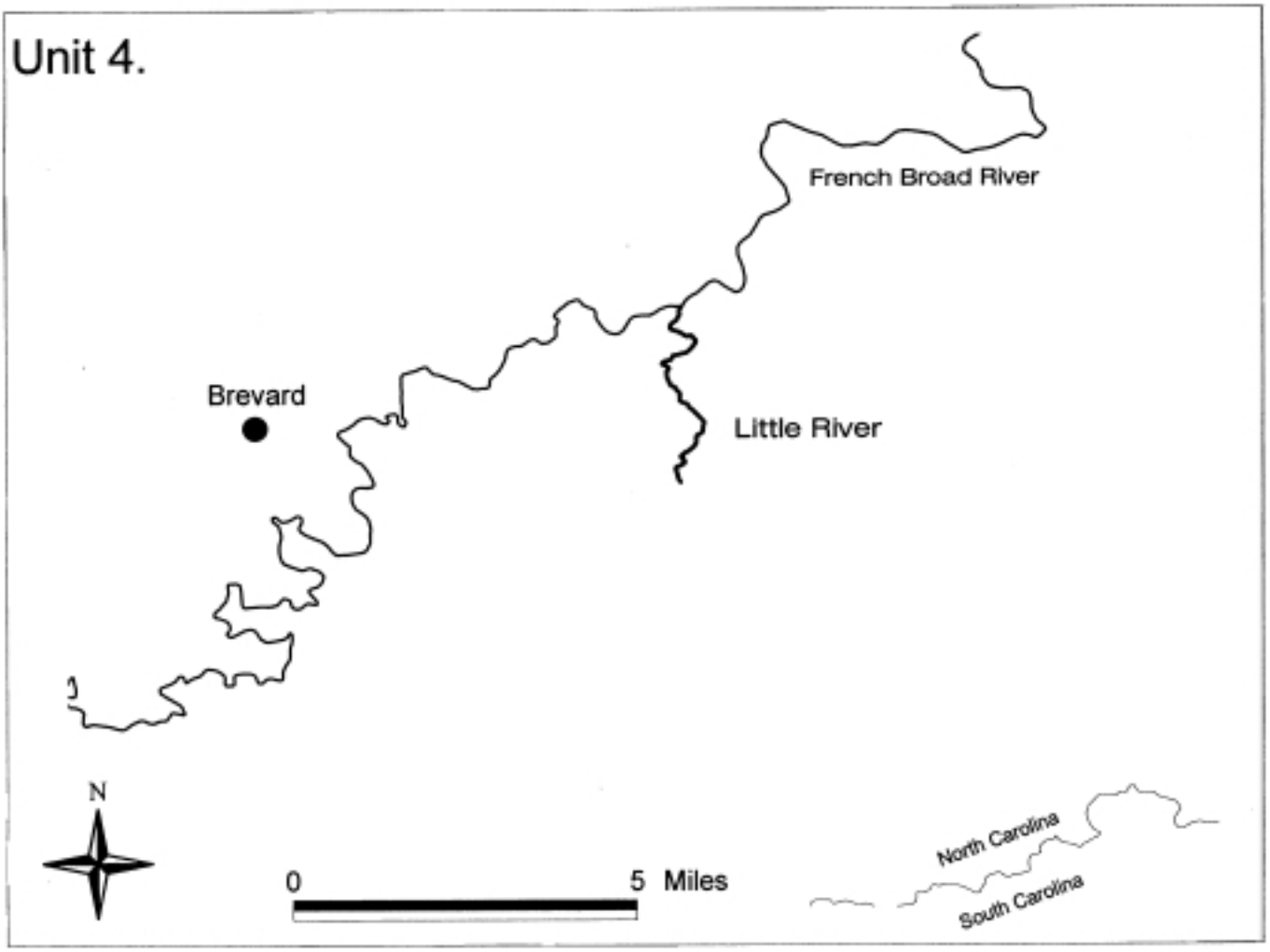
Unit 2: Jackson County and Swain County, North Carolina—the main stem of the Tuckasegee River (Little Tennessee River system), from the N.C. State Route 1002 Bridge in Cullowhee, Jackson County, North Carolina, downstream to the N.C. Highway 19 Bridge, north of Bryson City, Swain County, North Carolina.



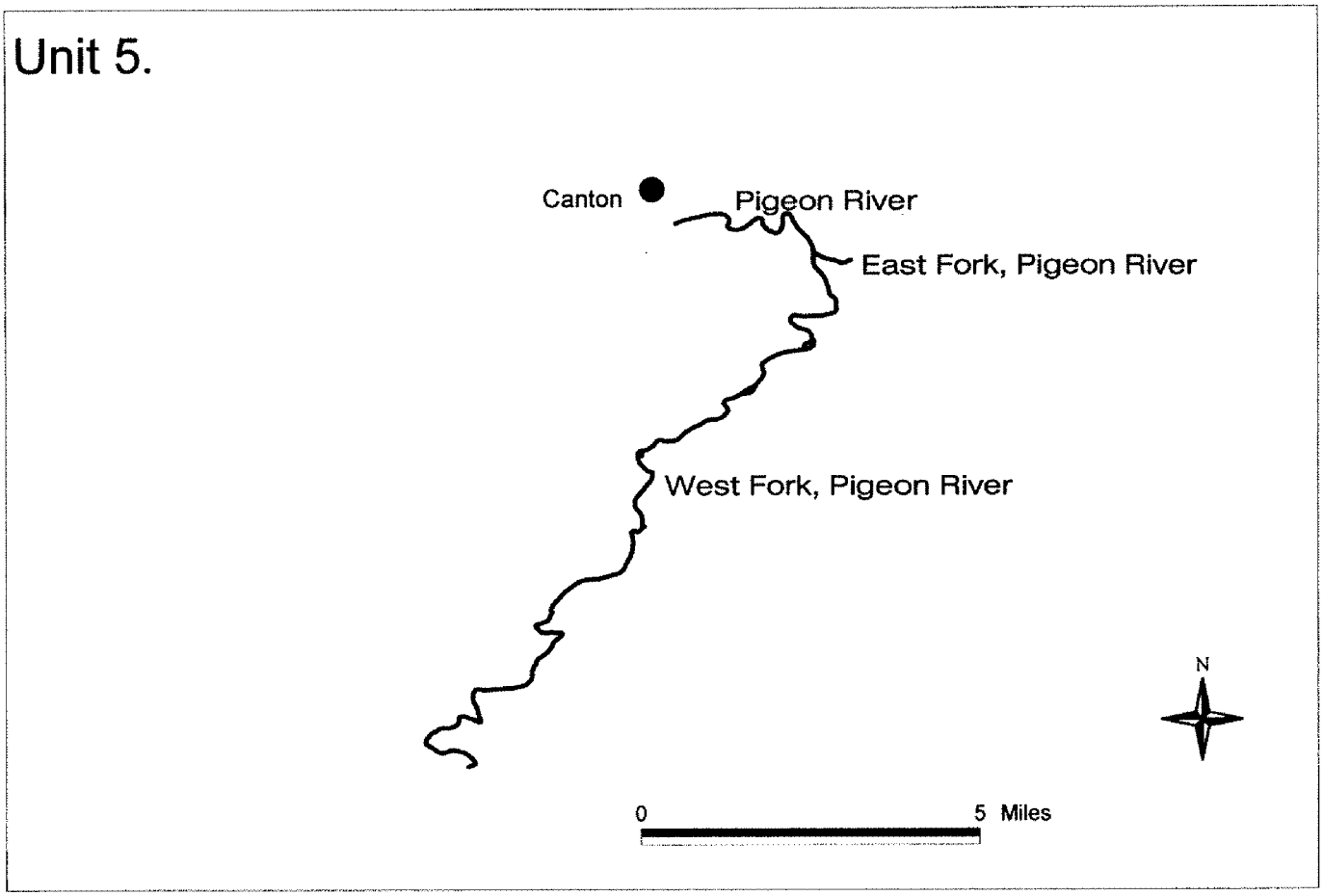
Unit 3: Graham County, North Carolina—the main stem of the Cheoah River (Little Tennessee River system), from the Santeetlah Dam, downstream to its confluence with the Little Tennessee River.



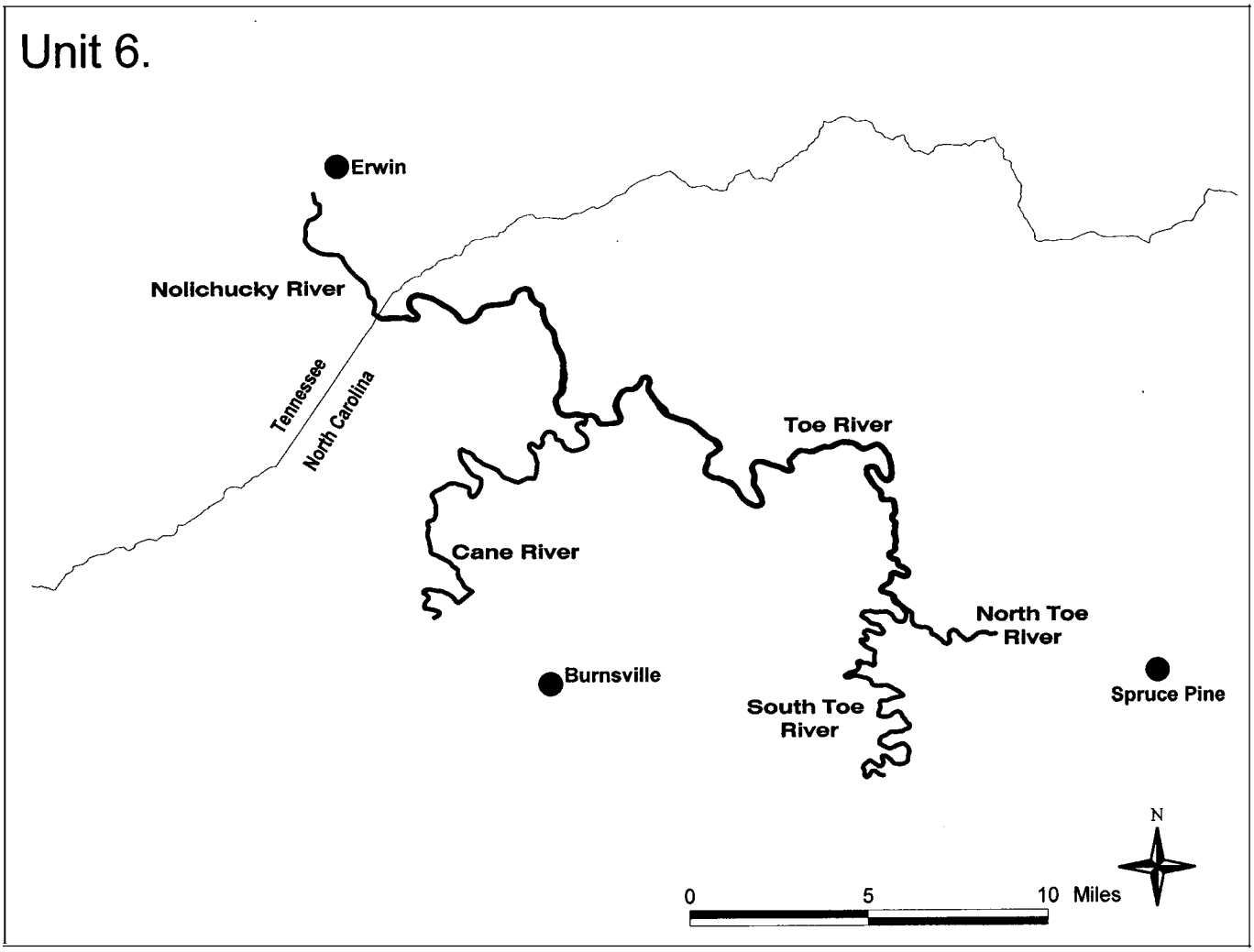
Unit 4: Transylvania County, North Carolina—the main stem of the Little River (French Broad River system), from the Cascade Lake Power Plant, downstream to its confluence with the French Broad River.



Unit 5: Haywood County, North Carolina—the main stem of the West Fork Pigeon River (French Broad River system), from the confluence of the Little East Fork Pigeon River, downstream to the confluence of the East Fork Pigeon River, and the main stem of the Pigeon River, from the confluence of the West Fork Pigeon River and the East Fork Pigeon River, downstream to the N.C. Highway 215 Bridge crossing, south of Canton, North Carolina.



Unit 6: Yancey County and Mitchell County, North Carolina, and Unicoi County, Tennessee—the main stem of the North Toe River, Yancey and Mitchell Counties, North Carolina, from the confluence of Big Crabtree Creek, downstream to the confluence of the South Toe River; the main stem of the South Toe River, Yancey County, North Carolina, from the N.C. State Route 1152 Bridge, downstream to its confluence with the North Toe River; the main stem of the Toe River, Yancey and Mitchell Counties, North Carolina, from the confluence of the North Toe River and the South Toe River, downstream to the confluence of the Cane River; the main stem of the Cane River, Yancey County, North Carolina, from the N.C. State Route 1381 Bridge, downstream to its confluence with the Toe River; and the main stem of the Nolichucky River from the confluence of the Toe River and the Cane River in Yancey County and Mitchell County, North Carolina, downstream to the U.S. Highway 23/19W Bridge southwest of Erwin, Unicoi County, Tennessee.



2. Within these areas, the primary constituent elements include:

(i) Permanent, flowing, cool, clean water;

(ii) Geomorphically stable stream and river channels and banks;

(iii) Pool, riffle, and run sequences within the channel;

(iv) Sand, gravel, cobble, boulder, and bedrock substrates with no more than low amounts of fine sediment;

(v) Moderate to high stream gradient;

(vi) Periodic natural flooding; and

(vii) Fish hosts, with adequate living, foraging, and spawning areas for them.

Dated: February 1, 2001.

Joseph E. Doddridge,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 01–3128 Filed 2–7–01; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 66, No. 27
Thursday, February 8, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Grain Inspection, Packers and Stockyards Administration's (GIPSA) intention to request an extension and revision of a currently approved information collection in support of the reporting and recordkeeping requirements under regulations under the Packers and Stockyards Act of 1921, as amended (7 U.S.C. 181, *et seq.*).

DATES: Comments on this notice must be received by April 10, 2001.

ADDITIONAL INFORMATION OR COMMENTS: Contact Sharon Vassiliades, GIPSA, USDA, STOP 3604, 1400 Independence Avenue, SW, Washington, DC 20250–3604, FAX 202 690–2755, or telephone: 202 720–1738.

SUPPLEMENTARY INFORMATION:

Title: Regulations and Related Reporting and Recordkeeping Requirements—Packers and Stockyards Programs.

OMB Number: 0580–0015.

Expiration Date of Approval: May 31, 2001.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The Packers and Stockyards Act (7 U.S.C. 181 *et seq.*) (Act) and the regulations under the Act authorize the collection of information for the purpose of enforcing the Act and regulations and to conduct studies as requested by Congress. The information is needed in order for GIPSA to carry out its responsibilities under the Packers and Stockyards Act. The information is necessary to monitor and examine financial, competitive, and trade practices in the livestock, meat packing, and poultry industries. The purpose of this notice is to solicit comments from the public concerning our information collection.

Estimate of Burden: Public reporting and recordkeeping burden for this collection of information is estimated to average 8.5 hours per response.

Respondents: Livestock auction markets, livestock dealers, packer buyers, meat packers, and live poultry dealers.

Estimated Number of Respondents: 10,950.

Estimated Number of Responses per Respondent: 3.3.

Estimated Total Annual Burden on Respondents: 304,106 hours.

Copies of this information collection can be obtained from Sharon Vassiliades at 202 720–1738.

Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency?s estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or forms of information technology. Comments may be sent to: Sharon Vassiliades, GIPSA, USDA, STOP 3649, 1400 Independence Avenue, SW, Washington, D.C. 20250–3604; Faxed to 202 690–2755; or e-mailed to *comments@gipsadc.usda.gov.*

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: January 24, 2001.

JoAnn Waterfield,

Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 01–3234 Filed 2–7–01; 8:45 am]

BILLING CODE 3410–EN–U

COMMISSION ON CIVIL RIGHTS

Hearing on Allegations of Voting Irregularities in the Presidential Election on November 7, 2000

AGENCY: Commission on Civil Rights.

ACTION: Notice of hearings.

SUMMARY: Notice is hereby given pursuant to the provisions of the Civil Rights Commission Amendments Act of 1994, Section 3, Public Law 103–419, 108 Stat. 4338, as amended, and 45 CFR 702.3., that public hearings before the U.S. Commission on Civil Rights will commence on Friday, February 16, 2001, beginning at 9:00 a.m., in the morning in Miami, FL, and on subsequent days in Jacksonville, FL, and in Tampa, FL. The February 16, 2001, hearing will take place at the Wyndham Miami Biscayne Bay Hotel, 1601 Biscayne Boulevard, Miami, Florida 33132. The purpose of these hearings is to collect information within the jurisdiction of the Commission, under Public Law 98–183, Section 5(a)(1) and Section 5(a)(5), related particularly to allegations that eligible persons in Florida were denied the right to vote or to have their votes properly counted in the election of the Presidential electors on November 7, 2000.

The original notice for the hearings was announced in the **Federal Register** on Wednesday, December 13, 2000, FR Doc. 00–31904, Vol. 65, No. 2401, p. 77850. The Commission is authorized to hold hearings and to issue subpoenas for the production of documents and the attendance of witnesses pursuant to 45 CFR 701.2. The Commission is an independent bipartisan, fact finding agency authorized to study, collect, and disseminate information, and to appraise the laws and policies of the Federal Government, and to study and collect information with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of

justice. The Commission has broad authority to investigate allegations of voting irregularities even when alleged abuses do not involve discrimination.

Hearing impaired persons who will attend the hearings and require the services of a sign language interpreter, should contact Pamela Dunston, Administrative Services and Clearinghouse Division at (202) 376–8105 (TDD (202) 376–8116), at least five (5) working days before the scheduled date of the hearings.

FOR FURTHER INFORMATION CONTACT: Les Jin, Office of the Staff Director (202) 376–7700.

Dated: February 5, 2001.

Edward A. Hailes, Jr.,

General Counsel.

[FR Doc. 01–3317 Filed 2–7–01; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC.

Docket Number: 01–001. *Applicant:* St. Louis Science Center, 5050 Oakland Avenue, St. Louis, MO 63110. *Instrument:* Universal Planetarium, Universarium Model IX. *Manufacturer:* Carl Zeiss, Germany. *Intended Use:* The instrument is a planetarium which will be used as part of an interactive educational program to teach visitors to the center about human space habitation and space exploration. *Application accepted by Commissioner of Customs:* January 9, 2001.

Docket Number: 01–002. *Applicant:* The University of Texas at Austin, Department of Chemistry and Biochemistry, Welch Hall, Room 3.202, Austin, TX 78712. *Instrument:* Electron Microscope, Model JEM–2010F. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* The instrument is intended to be used to study shape and morphology of small nanoparticles to determine crystal structure and defects of nanoparticles and the crystalline structure of polymers and its aggregates. In addition, the instrument will be used for studies of the following: (1) Binding of nanoparticles to specific sites on nanoparticles, (2) crystal structure and chemical composition of nanoparticles of oxides, (3) friction and defects on nanodevices including mechanical, electronic and photonic, (4) chemical composition and interbond distance on semiconductor and metallic quantum dots, and (5) chemical shifts and bonding in composite, polymer, metal and nanoparticle materials. The objectives of these investigations are the discovery and applications of new properties of nanoparticles, semiconductors, polymers and metals. The instrument will also be used to provide hands-on training and utilization for graduate students in chemistry, engineering and physics. Application accepted by Commissioner of Customs: January 9, 2001.

Docket Number: 01–003. *Applicant:* Children's Medical Center of Dallas, 1935 Motor Street, Dallas, TX 75235. *Instrument:* Electron Microscope, Model H–7500–1. *Manufacturer:* Hitachi, Japan. *Intended Use:* The instrument is intended to be used to examine predominantly human tissue biopsies as part of a diagnostic workup and study of human disease during the teaching of pathology residents. *Application accepted by Commissioner of Customs:* January 12, 2001.

Docket Number: 01–004. *Applicant:* University of California, One Shields Avenue, Davis, CA 95616–8711 . *Instrument:* Multielectrode Neuronal Manipulator, Model Eckhorn-7. *Manufacturer:* UWE Thomas Recording, Germany. *Intended Use:* The instrument is intended to be used to deliver fine microelectrodes into the brains of monkeys to study the brain signals that are generated by social and emotional interactions among animals. These studies are aimed at understanding the brain mechanism that causes emotional disorders such as depression, anxiety, social phobia and panic attacks in people. *Application accepted by Commissioner of Customs:* January 19, 2001.

Gerald A. Zerdy,

Program Manager, Statutory Import Programs Staff.

[FR Doc. 01–3318 Filed 2–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020101B]

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling public meetings of its Groundfish Committee, Groundfish Advisory Panel and Social Sciences Advisory Committee(SSAC) in February, 2001 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meetings will held between Thursday, February 22 and Wednesday, February 28, 2001. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held in Peabody and Newburyport, MA. See **SUPPLEMENTARY INFORMATION** for specific locations.

FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; (978)465-0492.

SUPPLEMENTARY INFORMATION:

Meeting Dates and Agendas

Thursday, February 22, 2001, 9:30 a.m.—Groundfish Advisory Panel Meeting

Location: Holiday Inn, One Newbury Street, Route 1, Peabody, MA 01960; telephone: (978) 535-4600.

The Groundfish Advisory Panel will review the proposed management alternatives for Amendment 13 to the Northeast Multispecies Plan. These alternatives have been developed by the Groundfish Plan Development Team and the Groundfish Oversight Committee during the past year. The

Panel will develop its recommendations on the alternatives for further consideration by the Groundfish Oversight Committee. They will review the biological objectives for the amendment and will comment on those objectives. The Advisory Panel will develop recommendations for an observer program for the multispecies fishery, including funding sources. They will also identify issues that it believes may need further attention by the Committee, and may develop suggested alternatives to the management measures under development.

Friday, February 23, 2001, 10:00 a.m.—Social Sciences Advisory Committee Meeting

Location: Council Office, 50 Water Street, Newburyport, MA 01950; telephone: (978) 465-0492.

The Committee will review information collected from public meetings about the social and community impacts of Amendment 5, Amendment 7 and subsequent framework adjustments to the Northeast Multispecies Fishery Management Plan (Multispecies FMP). The Committee also will review economic information developed by the Council staff about the impacts of these measures. The information about the social, economic, and community impacts will be used in the development of Amendment 13 to the Multispecies FMP. The Committee also will discuss the organization of workshops for improving social and economic analyses.

Tuesday, February 27, 2001, at 9:30 a.m. and Wednesday, February 28, 2001, at 8:30 a.m.—Groundfish Oversight Committee Meeting

Location: Holiday Inn, One Newbury Street, Route 1, Peabody, MA 01960; telephone: (978) 535-4600.

The Groundfish Oversight Committee Panel will review the proposed management alternatives for Amendment 13 to the Northeast Multispecies Plan. These alternatives have been developed by the Groundfish Plan Development Team and the Groundfish Oversight Committee during the past year. The Committee will finalize its recommendation on management alternatives that will be presented to the Council for consideration at the March Council meeting. The Committee will identify issues that it believes may need further attention by the Plan Development Team, and may develop additional alternatives to the management measures under development. The Committee may discuss all elements of the alternatives, including the biological objectives. The Committee will also receive a report on the social impacts of management measures that have adopted since 1994, based on information collected by the Council staff in late 2000. Staff will also present an analysis of groundfish fishing vessel gross revenues since 1994. This information will be used by the Committee in choosing and evaluating management alternatives.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: February 2, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–3279 Filed 2–7–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020101C]

Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council (Council) and its advisory entities will hold public meetings.

DATES: The Council and its advisory entities will meet March 5-9, 2001. The Council meeting will begin on Tuesday, March 6, at 8 a.m., reconvening each day through Friday. The Council will meet as late as necessary each day to complete its scheduled business.

ADDRESSES: The meetings hearing will be held at the Double Tree Hotel - Columbia River, 1401 N Hayden Island Drive, Portland, OR 97217; telephone: (503) 283-2111.

Council address: Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Dr. Donald O. McIsaac, Executive Director; telephone: (503) 326-6352.

SUPPLEMENTARY INFORMATION: All meetings are open to the public, except a closed session will be held from 8 a.m. until 9:30 a.m. on Wednesday, March 7 to address litigation and personnel matters. The following items are on the Council agenda, but not necessarily in this order:

A. Call to Order

1. Opening Remarks, Introductions
2. Roll Call
3. Executive Director's Report
4. Approve Agenda
5. Approve September and November Meeting Minutes

B. Salmon Management

1. Report on Federal Regulation Implementation
2. Review of 2000 Fisheries and Summary of 2001 Stock Abundance Estimates
3. Inseason Management Recommendations for Openings Prior to May 1 off Oregon
4. Identification of Management Objectives and Preliminary Definition of 2001 Options
5. Progress Report on the Queets Coho Overfishing Status Review
6. Update on Snake River Spring Chinook Salmon Recovery
7. Council Recommendations for 2001 Management Option Analysis
8. Appointment of Officers for March Salmon Hearings
9. Adoption of 2001 Management Options for Public Review

C. Habitat Issues

Ongoing and New Habitat Issues

D. Groundfish Management

1. Status of NMFS Research Programs and Other Nonregulatory Activities
2. Exempted Fishing Permit Applications
3. Future Groundfish Management Process and Schedule
4. Implementation of the Groundfish Strategic Plan
5. Groundfish Informational Reports

E. Highly Migratory Species Management

1. International Highly Migratory Species (HMS) Discussions and Actions
2. First Draft of the HMS Fishery Management Plan

F. Pacific Halibut Management

1. Halibut Informational Reports
2. Proposed 2001 Incidental Catch Regulations for the Troll Salmon Fishery

G. Administrative and Other Matters

1. Status of Legislation
2. Appointments of Remaining Vacancies to Advisory Bodies for 2001 Through 2003
3. April 2001 Council Meeting Agenda
4. Council Staff Workload Priorities

SCHEDULE OF ANCILLARY MEETINGS

MONDAY, MARCH 5, 2001		
Council Secretariat	7 a.m.	Wallowa Room
Scientific and Statistical	8 a.m.	Deschutes Room
Salmon Advisory Subpanel	8 a.m.	Umatilla Room
Salmon Technical Team	8 a.m.	Tualatin Room
Tribal Policy Group	8 a.m.	Wilson Room
Tribal/Washington Technical	8 a.m.	Santiam Room
Habitat Steering Group	9 a.m.	Yakima Room
Strategic Plan Oversight	10 a.m.	Nestucca Room
Enforcement Consultants	2 p.m.	Umpqua Room
Klamath Fishery Management	As Needed	Rogue Room
TUESDAY, MARCH 6, 2001		
Council Secretariat	7 a.m.	Wallowa Room
California State Delegation	7 a.m.	Umatilla Room
Oregon State Delegation	7 a.m.	Deschutes Room
Washington State Delegation	7 a.m.	Yakima Room
Scientific and Statistical	8 a.m.	Deschutes Room
Tribal Policy Group	8 a.m.	Wilson Room
Tribal/Washington Technical	8 a.m.	Santiam Room
Highly Migratory Species	10:30 a.m.	Nehalem Room
Enforcement Consultants	5:30 p.m.	Umpqua Room
Klamath Fishery Management	As Needed	Rogue Room
Salmon Advisory Subpanel	As Needed.	Umatilla Room
Salmon Technical Team	As Needed.	Tualatin Room
WEDNESDAY, MARCH 7, 2001		
Council Secretariat	7 a.m.	Wallowa Room
California State Delegation	7 a.m.	Umatilla Room
Oregon State Delegation	7 a.m.	Deschutes Room
Washington State Delegation	7 a.m.	Yakima Room
Highly Migratory Species	8 a.m.	Nehalem Room
Tribal Policy Group	8 a.m.	Wilson Room
Tribal/Washington Technical	8 a.m.	Santiam Room
Enforcement Consultants	As Needed	Umpqua Room
Klamath Fishery Management	As Needed	Rogue Room
Salmon Technical Team	As Needed.	Tualatin Room
Salmon Advisory Subpanel	As Needed.	Umatilla Room
THURSDAY, MARCH 8, 2001		
Council Secretariat	7 a.m.	Wallowa Room
California State Delegation	7 a.m.	Umatilla Room
Oregon State Delegation	7 a.m.	Deschutes Room
Washington State Delegation	7 a.m.	Yakima Room
Tribal Policy Group	8 a.m.	Wilson Room
Tribal/Washington Technical	8 a.m.	Santiam Room
Enforcement Consultants	As Needed	Umpqua Room
Klamath Fishery Management	As Needed	Rogue Room
Salmon Technical Team	As Needed.	Tualatin Room
Salmon Advisory Subpanel	As Needed.	Umatilla Room
FRIDAY, MARCH 9, 2001		
Council Secretariat	7 a.m.	Wallowa Room
California State Delegation	7 a.m.	Umatilla Room
Oregon State Delegation	7 a.m.	Deschutes Room
Washington State Delegation	7 a.m.	Yakima Room
Tribal Policy Group	8 a.m.	Wilson Room
Tribal/Washington Technical	8 a.m.	Santiam Room
Salmon Technical Team	As Needed.	Tualatin Room
Salmon Advisory Subpanel	As Needed.	Umatilla Room

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency

action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 326-6352 at least 5 days prior to the meeting date.

February 2, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–3278 Filed 2–7–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020201B]

Endangered Species; Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of application to modify permits (1254); issuance of permits (1268, 1209, 1251).

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement: NMFS has received an application for permit modification from Mr. Martin Daley, Dynegy Northeast Generation (Dynegy) (1254); NMFS has issued permit 1268 to Mr. James Anderson, of National Aquarium in Baltimore (NAB) (1268); NMFS has issued permit 1251 to Mr. Steven Fields, of Magnolia Springs State Park - GADNR (GADNR) (1251), NMFS has issued permit 1209 to Mr. Ken Alfieri, of Cypress Gardens (CG) (1209).

DATES: Comments or requests for a public hearing on any of the new applications or modification requests must be received at the appropriate address or fax number no later than 5 p.m. eastern standard time on March 12, 2001.

ADDRESSES: Written comments on any of the new applications or modification requests should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the application or modification request. Comments will not be accepted if submitted via e-mail or the Internet. The applications and related documents are available for review in the indicated office, by appointment:

For permits 1254, 1209, 1251, 1268: Office of Protected Resources, Endangered Species Division, F/PR3, 1315 East-West Highway, Silver Spring, MD 20910 (ph: 301-713-1401, fax: 301-713-0376).

FOR FURTHER INFORMATION CONTACT: Terri Jordan, Silver Spring, MD (phone: 301-713-1401, fax: 301-713-0376, e-mail: Terri.Jordan@noaa.gov).

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222-226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

The following species is covered in this notice:

Fish

Shortnose sturgeon (*Acipenser brevirostrum*)

Modification Requests Received

Permit 1254: The applicant currently possesses a scientific research permit to conduct a monitoring study as part of an incidental take permit for the operation of the Roseton and Danskammer Point power plants. The applicant will be collecting larvae, juvenile and adult shortnose sturgeon in various location in the Hudson River between the estuary and River mile 65. On January 30, 2001, NMFS was notified that Dynegy had purchased the two power plants from Hudson Central Gas and Electric Company(HCGE) and current co-permittee on permit 1254, and requesting that HCGE be removed from the permit as a holder.

Permits Issued

Permit 1209

Notice was published on March 25, 1999 (64 FR 14432) that Mr. Ken Alfieri, of Cypress Gardens applied for an enhancement permit (1209). The aquarium proposes to maintain a population of up to eight (8) juvenile shortnose sturgeon in a captive environment for educational purposes. The sturgeon will be captive sturgeon received from the USFWS Bear's Bluff hatchery and have been classified as ''non-releasable'' by NMFS. In addition the fish will be placed on display, incidental to the research, for public education purposes. Permit 1209 was issued on January 26, 2001, authorizing take of listed species. Permit 1209 expires January 31, 2006.

Permit 1251

Notice was published on October 30, 2000 (65 FR 64685) that Mr. Steven Fields, of Magnolia Springs State Park - GADNR, applied for an enhancement permit (1251). The applicant requests an enhancement permit to maintain two five-year old shortnose sturgeon in captivity for educational purposes. The applicant currently possesses two adult shortnose sturgeon received from the US Fish and Wildlife Service hatchery at Bears Bluff, South Carolina in February 1997 under scientific research permit ı986. Permit ı986 expired on December 31, 2000 and the permit holder did not renew the enhancement aspects of permit 986. Permit 1251 was issued on January 26, 2001, authorizing take of listed species. Permit 1251 expires January 31, 2006.

Permit 1268

Notice was published on November 2, 2000 (65 FR 65840) that Mr. James Anderson, of National Aquarium in Baltimore applied for an enhancement permit (1268). The applicant requested a five year permit to continue to maintain one (1) adult shortnose sturgeon in captivity for enhancement purposes. The applicant currently possesses an adult shortnose sturgeon received from the US Fish and Wildlife Service hatchery at Bears Bluff, South Carolina in February 1997 under scientific research permit 986. Permit 986 expired on December 31, 2000 and

the permit holder did not renew the enhancement aspects of permit 986. As a direct result, the National Aquarium in Baltimore is applying for an individual permit to continue maintenance of this fish. Permit 1268 was issued on January 26, 2001, authorizing take of listed species. Permit 1268 expires January 31, 2006.

Dated: February 2, 2001.

Phil Williams,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–3277 Filed 2–7–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Department of the Air Force

Proposed Collection; Comment Request

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Air Force Medical Operations Agency announces the proposed extension of AF Form 1562, Credentials Evaluation of Health Care Practitioners. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information shall have a practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by April 9, 2001.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to HQ USAF/SG, AFMOA/SGZC, 110 Luke Avenue, Room 405, Bolling AFB, DC 20332–7050, ATTN: Lt Col Sharon Ahrari.

FOR FURTHER INFORMATION CONTACT: To request more information on this data collection instrument, please write to the above address or call (202) 767–4077.

Title and Associated Form: Credentials Evaluation of Health Care Practitioners, AF Form 1562.

Needs and Uses: The information collection requirement is necessary to evaluate each health care practitioner's formal education, training, clinical experience, and evidence of physical, moral, and ethical capacities with regard to the practitioner's competence to treat patients in Air Force medical treatment facilities.

Affected Public: Civilian supervisors/peers of health care providers seeking privileges to practice health care in Air Force medical treatment facilities are asked to fill out this form to verify the provider has the necessary clinical experience to practice health care in the Air Force Medical Service.

Annual Burden Hours: 296.5.

Number of Respondents: 1,686.

Responses Per Respondent: 1.

Average Burden per Response: 15 Minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Respondents are civilian supervisors/peers of health care providers requesting privileges to practice health care in Air Force medical treatment facilities. The completed form is used to assist in making a determination about the health care provider's formal education, training, clinical experience, and evidence of physical, moral, and ethical competence to treat Department of Defense (DoD) beneficiaries as patients in the Air Force Medical Service.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 01–3225 Filed 2–7–01; 8:45 am]

BILLING CODE 5001–05–U

DEPARTMENT OF DEFENSE

Department of the Navy

Availability of Government-Owned Invention; Available for Licensing

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of the general availability of exclusive or partially exclusive licenses under the following pending patent. Any license granted shall comply with 35 USC 209 and 37 CFR part 404. Applications will be evaluated utilizing the following criteria: (1) Ability to manufacture and market the technology; (2) manufacturing and marketing ability; (3) time required to bring technology to market and production rate; (4) royalties; (5) technical capabilities; and (6) small business status.

Patent No. 6,094,599 entitled ''RF Diathermy and Faradic Muscle Stimulation'' by James Bingham and Richard Olsen issued 25 July 2000. This technology represents an RF diathermy coil assembly, including a generally elastically deformable patient conforming garment and a conductive coil secured to the garment. The conductive coil having a woven wire construction such that the coil can deform as the garment elastically deforms. The RF diathermy coil assembly can be used for wound healing in conjunction with muscle stimulation.

DATES: Applications for an exclusive or partially exclusive license may be submitted at any time from the date of this notice.

ADDRESSES: Navy Medical Research Center (NMRC), 503 Robert Grant Ave., Silver Spring, MD 20910–7500.

FOR FURTHER INFORMATION CONTACT: Dr. Charles J. Schlagel, Office of Technology Transfer, NMRC, phone (301) 319–7427, fax (301) 319–7432, e-mail schlagelc@nmrc.navy.mil.

Dated: January 19, 2001.

J.L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 01–3227 Filed 2–7–01; 8:45 am]

BILLING CODE 3810–FF–U

DEPARTMENT OF DEFENSE

Department of the Navy

Intent to Grant Exclusive Patent License; T-Wave Corporation

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to T-Wave Corporation, a revocable, nonassignable, exclusive license to practice worldwide the Government-owned inventions described in U.S. Patent No. 6,094,599 issued 25 July 2000, entitled ''RF Diathermy and Faradic Muscle Stimulation''; in the field of Body-Friendly Radio-Frequency (RF) warming devices.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than February 23, 2001.

ADDRESSES: Written objections are to be filed with the Office of Technology Transfer, Naval Medical Research Center, 503 Robert Grant Ave., Silver Spring, MD 20910–7500.

FOR FURTHER INFORMATION CONTACT: Dr. Charles Schlagel, Director, Office of Technology Transfer, Naval Medical

Research Center, 503 Robert Grant Ave., Silver Spring, MD 20910–7500, telephone (301) 319–7428.

(Authority: 35 U.S.C. 207, 209, 37 CFR Part 404.)

Dated: January 19, 2001.

J.L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 01–3226 Filed 2–7–01; 8:45 am]

BILLING CODE 3810–FF–U

DEPARTMENT OF ENERGY

Idaho Operations Office; Aluminum Visions of the Future

AGENCY: Idaho Operations Office, DOE.

ACTION: Notice of Competitive Financial Assistance Solicitation.

SUMMARY: The U.S. Department of Energy (DOE) Idaho Operations Office (ID) is seeking applications for cost-shared research and development of technologies which will reduce energy consumption, reduce environmental impacts and enhance economic competitiveness of the domestic aluminum industry. The research is to address research priorities identified by the aluminum industry in the Aluminum Industry Technology Roadmap and the Inert Anode Roadmap, (available at the following URL: *http://www.oit.doe.gov/aluminum/alindust.shtml*).

DATES: The Standard Form 424, and the technical application (20 page maximum), must have an IIPS transmission time stamp of not later than 3:00 p.m. MST on Wednesday, May 2, 2001.

ADDRESSES: Completed applications are required to be submitted via the U.S. Department of Energy Industry Interactive Procurement System (IIPS) at the following URL: *http://e-center.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Elizabeth Dahl, Contract Specialist at *dahlee@id.doe.gov,* facsimile at (208) 526–5548, or by telephone at (208) 526–7214.

SUPPLEMENTARY INFORMATION: Approximately $2,500,000 in combined fiscal year 2002 Federal funds is expected to be available to totally fund the first year of selected research efforts. DOE anticipates making six to nine awards each with a duration of four years or less. This solicitation is requiring 50% cost share to ensure industrial involvement in each of the proposals and to ensure that the novel, energy efficient processes developed by this R&D program will be fully implemented by industry. There will be no waivers of this cost share requirement. Multi-partner collaborations between industry, university, and National Laboratory participants are encouraged. The issuance date of Solicitation Number DE–PS07–01ID14050 is on or about February 6, 2001. The solicitation is available in its full text via the Internet at the following address: *http://e-center.doe.gov.* The statutory authority for this program is the Federal Non-Nuclear Energy Research and Development Act of 1974 (Pub. L. 93–577). The Catalog of Federal Domestic Assistance (CFDA) Number for this program is 81.086.

Issued in Idaho Falls on January 31, 2001.

R.J. Hoyles,

Director, Procurement Services Division.

[FR Doc. 01–3315 Filed 2–7–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Restricted Eligibility Support of Advanced Fossil Resource Utilization Research by Historically Black Colleges and Universities and Other Minority Institutions

AGENCY: National Energy Technology Laboratory (NETL), U.S. Department of Energy (DOE).

ACTION: Notice of restricted eligibility.

SUMMARY: The Department of Energy announces that it intends to conduct a competitive Program Solicitation and award financial assistance (grants) to U.S. Historically Black Colleges and Universities (HBCU) and Other Minority Institutions (OMI) in support of innovative research and development of advanced concepts pertinent to fossil resource conversion and utilization. Applications will be subjected to a review by a DOE technical panel, and awards will be made to a select number of applicants based on the scientific merit of the application, relevant program policy factors, and the availability of funds. Collaboration with private industry is encouraged.

FOR FURTHER INFORMATION CONTACT: Ms. Cynthia Y. Mitchell, U.S. Department of Energy, National Energy Technology Laboratory, Acquisition and Assistance Division, P.O. Box 10940, MS 921–107, Pittsburgh PA 15236–0940, Telephone: 412–386–4862, FAX: 412–386–6137, E-mail: mitchell@netl.doe.gov. The solicitation (available in both Word Perfect 6.1 for Windows and Portable Document Format (PDF)) will be released on DOE's NETL World Wide Web Server Internet System (http://www.netl.doe.gov/business/solicit) on or about February 2, 2001. If applicants do not have Internet capability, a 3.5″ double sided/high density diskette copy of the solicitation will be available, upon receipt of a written request submitted via fax or e-mail to Ms. Mitchell. No telephone requests will be honored for request of diskettes.

SUPPLEMENTARY INFORMATION:

Title of Solicitation: ''Support of Advanced Fossil Resource Utilization Research by Historically Black Colleges and Universities and Other Minority Institutions.''

Objectives: Through Program Solicitation No. DE–PS26–01NT40950, the Department of Energy seeks applications from HBCU and OMI and HBCU/OMI-affiliated research institutes for innovative research and development of advanced concepts pertinent to fossil resource conversion and utilization. The resultant grants are intended to maintain and upgrade educational, training, and research capabilities of our HBCU/OMI in the fields of science and technology related to fossil energy resources; to foster private sector participation, collaboration, and interaction with HBCU/OMI; and to provide for the exchange of technical information and to raise the overall level of HBCU/OMI competitiveness with other institutions in the field of fossil energy research and development. Thus, the establishment of linkages between the HBCU/OMI and the private sector fossil energy community is critical to the success of this program, and consistent with the Nation's goal of ensuring a future supply of fossil fuel scientists and engineers from a previously under-utilized resource.

Eligibility: Eligibility for participation in this Program Solicitation is restricted to HBCU and OMI recognized by the Office for Civil Rights (OCR), U.S. Department of Education, and identified on the OCR's U.S. Department of Education list of U.S. Accredited Postsecondary Minority Institutions list in effect on the closing date of the Program Solicitation. Applications submitted by any institution not on OCR's aforementioned list are ineligible for technical evaluation and award. For information regarding the qualification criteria and process of becoming recognized by the Education Department's OCR as a ''Minority Institution,'' institutions should contact the Education Department directly at the following address: Mr. Peter A.

McCabe, Office for Civil Rights, U.S. Department of Education, Washington DC 20202, Telephone 202–205–9567. Note: The Education Department should only be contacted on matters related to Institutional status; questions regarding the Program Solicitation should be directed to Ms. Mitchell at DOE.

Applications from HBCU/OMI-affiliated research institutes must be submitted through the college or university with which they are affiliated. The university (not the university-affiliated research institute) will be the recipient of any resultant DOE grant award. Applications submitted in response to the solicitation must meet the following two criteria: the Principal Investigator or a Co-Principal Investigator must be a teaching professor at the submitting university listed in the application; and a minimum of 30% of personnel time invoiced under the grant is to pay for student assistance for each year of the grant. Although it is not required as an application qualification criterion, collaboration with the private sector is encouraged, and applications proposing private sector collaboration may be evaluated more favorably. The solicitation will contain a complete description of the technical evaluation factors and relative importance of each factor. Collaboration by the private sector with the HBCU/OMI may be in the form of cash cost sharing, consultation, HBCU/OMI access to industrial facilities or equipment, experimental data and/or equipment not available at the university, or as a subgrantee/subcontractor to the HBCU/OMI.

Areas of Interest: In order to develop and sustain a national program of HBCU/OMI research in advanced and fundamental fossil fuel studies, the Department of Energy is interested in innovative research and development of advanced concepts pertinent to fossil fuel conversion and utilization limited to the following nine (9) technical topics:

Topic 1—Advanced Environmental Control Technologies for Coal

Topic 2—Advanced Coal Utilization

Topic 3—Clean Fuels Technology

Topic 4—Heavy Oil Upgrading and Processing

Topic 5—Advanced Recovery, Completion/Stimulation, and Geoscience Technologies for Oil

Topic 6—Natural Gas Supply, Storage, and Processing

Topic 7—Infrastructure Reliability for Natural Gas

Topic 8—Fuel Cells

Topic 9—Facility/Student Exploratory Research Training Grants

Note: Technical Topic No. 9, *Faculty/Student Exploratory Research Training Grants,* is the only topic under this Program Solicitation wherein the inclusion or exclusion of private sector collaboration will not affect the technical evaluation of the application.

Awards: DOE anticipates issuing financial assistance (grants) for each project selected. DOE reserves the right to support or not support, with or without discussions, any or all applications received in whole or in part, and to determine how many awards may be made through the solicitation subject to funds available in this fiscal year. The limitation on the maximum DOE funding for each selected grant to be awarded under this Program Solicitation is as follows:

	Maximum award
Topics 1–8:	
0–12 months grant duration ..	$85,000
13–24 months grant duration	150,000
25–36 months grant duration	200,000
Topic 9:	
0–12 months grant duration ..	20,000

Approximately $900,000 is planned for this solicitation. The total should provide support for four to eight research and development application selections (Topics 1–8), and approximately two to twelve faculty/student exploratory research training application selections (Topic 9).

Solicitation Release Date: The Program Solicitation is expected to be ready for release on or about February 2, 2001. Applications must be prepared and submitted in accordance with the instructions and forms contained in the Program Solicitation. To be eligible, applications must be received by the designated DOE office by the closing time and date specified in the Program Solicitation (anticipated to be on or about March 20, 2001 at 5:00 PM Eastern Standard Time).

Issued in Pittsburgh, Pennsylvania on January 30, 2001.

William R. Mundorf,

Contracting Officer, Acquisition and Assistance Division.

[FR Doc. 01–3314 Filed 2–7–01; 8:45 am]

BILLING CODE 6450–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER99–3144–003, ER99–3144–004 and ER99–3144–005; EC99–80–003, EC99–80–004, and EC99–80–005, ER00–2869–000 and EC00–103–000 (not consolidated)]

Request for Information Regarding Grandfathered Contracts Prior to Convening Session

February 2, 2001.

In the matter of: American Electric Power Service Corporation on behalf of: Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Wheeling Power Company, The Detroit Edison Company, First Energy Corporation on behalf of: The Cleveland Electric Illuminating Company, Ohio Edison Company, Pennsylvania Power Company, The Toledo Edison Company, Virginia Electric and Power Company, Consumers Energy Company.

Pursuant to the order in *Alliance Companies, et al.*, 91 FERC ¶ 61,070 (2001), the Commission directed parties with grandfathered contracts whose terms extend beyond the transition period to negotiate amendments or termination of such contracts. To assist the parties, the Commission directed the Director of the Commission's Dispute Resolution Service (DRS) to convene a meeting of the parties to explore the use of an ADR process to foster negotiation and agreement.

All parties with grandfathered agreements that are the subject of the Commission's order, as described above, are requested to contact the DRS. To contact the DRS, please send an e-mail including the name, telephone number and e-mail address of the party contact as well as the title and description of the grandfathered contract(s) involved to *Amy.Blauman@ferc.fed.us* no later than February 16, 2001. The DRS can also be reached at (202) 208–2143.

The DRS is tentatively planning to hold the convening session during the week of March 4, 2001. However, the DRS will be in contact with the parties who respond to this request to select an appropriate date and location for the meeting. A notice of the date and location of the convening session will be issued at a later date.

David P. Boergers,

Secretary.

[FR Doc. 01–3262 Filed 2–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–3057–001]

Indiana Michigan Power Company, d/b/a American Electric Power; Notice of Filing

January 31, 2001.

Take notice that on December 19, 2000, Indiana Michigan Power Company, d/b/a American Electric Power (AEP), tendered for filing revised Service Agreements (SAs) with the members of the Indiana and Michigan Municipal Distributors Association (IMMDA). The SAs were revised in accordance with the Federal Energy Regulatory Commission's (FERC) August 3, 2000, Letter Order in this docket requesting the filing of rate schedule designations as required in Order No. 614, FERC Stats. & Regs. ¶ 31,096 (2000).

AEP requests that the revised SAs be accepted for filing in accordance with the FERC's August 3, 2000, Letter Order and in accordance with Order No. 614, FERC Stats. & Regs. ¶ 31,096 (2000).

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before February 9, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–3263 Filed 2–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–642–000]

Cottonwood Energy Company LP; Notice of Issuance of Order

February 2, 2001.

Cottonwood Energy Company LP (Cottonwood) submitted for filing a rate schedule under which Cottonwood will engage in wholesale electric power and energy transactions at market-based rates. Cottonwood also requested waiver of various Commission regulations. In particular, Cottonwood requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Cottonwood.

On January 30, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Cottonwood should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, Cottonwood is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Cottonwood's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 1, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–3254 Filed 2–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–904–000]

North Carolina Power Holdings, L.L.C.; Notice of Issuance of Order

February 2, 2001.

North Carolina Power Holdings, L.L.C. (NCPH) submitted for filing a rate schedule under which NCPH will engage in wholesale electric power and energy transactions at market-based rates. NCPH also requested waiver of various Commission regulations. In particular, NCPH requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by NCPH.

On January 30, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by NCPH should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period. NCPH is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of NCPH's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene

or protests, as set forth above, is March 1, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–3253 Filed 2–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–29–000]

Pacific Gas and Electric Company; Notice of Complaint

February 2, 2001.

Take notice that on January 23, 2001, Pacific Gas and Electric Company (PG&E) filed a Complaint against the California Power Exchange Corporation (PX). The Complaint requests that the Commission immediately: (1) Order an accounting of recent invoices sent by the PX to PG&E and (2) stay any attempted liquidation of PG&E's Block Forward Market positions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before February 12, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222) for assistance. Answers to the complaint shall also be due on or before February 12, 2001. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–3261 Filed 2–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–312–039]

Tennessee Gas Pipeline Company; Notice of a Change in Rates

February 2, 2001.

Take notice that on January 26, 2001, Tennessee Gas Pipeline Company (Tennessee), tendered for filing a notice of a change in rates for the October 18, 2000 Negotiated Rate Agreement between Tennessee and Dynegy Energy Marketing and Trade (Dynegy). The notice substitutes a fixed rate in place of a Margin calculation for certain volumes for TGP Service Package No. 35092. The fixed prices listed in the notice are effective from February 1, 2001 through March 31, 2001.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before February 8, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–3256 Filed 2–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–205–000 and ER01–205–001]

Xcel Energy Services, Inc.; Notice of Issuance of Order

February 2, 2001.

Xcel Energy Services, Inc. (Xcel) submitted for filing a rate schedule under which Xcel will engage in wholesale electric power and energy transactions at market-based rates. Xcel also requested waiver of various Commission regulations. In particular, Xcel requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Xcel.

On January 30, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Xcel should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, Xcel is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Xcel's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 1, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at

http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–3255 Filed 2–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–256–002, et al.]

American Electric Power Service Corporation, et al.; Electric Rate and Corporate Regulation Filings

February 1, 2001.

Take notice that the following filings have been made with the Commission:

1. American Electric Power Service Corporation

[Docket No. ER01–256–002]

Take notice that on January 29, 2001, American Electric Power Service Corporation tendered for filing, on behalf of the operating companies of the American Electric Power System, proposed amendments to the Open Access Transmission Tariff, in compliance with the Commission's December 29, 2000 Order Accepting for Filing, as Modified, Revisions to Open Access Transmission Tariff.

AEP requests an effective date of January 1, 2001.

Copies of AEP's filing have been served upon AEP's transmission customers and the public service commissions of Arkansas, Indiana, Kentucky, Louisiana, Michigan, Ohio, Tennessee, Texas, Virginia and West Virginia and the Oklahoma Corporation Commission.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. The Dayton Power and Light Company

[Docket No. ER01–317–002]

Take notice that on January 29, 2001, The Dayton Power and Light Company (DP&L) tendered for filing tariff sheets in compliance with the ''Order Accepting For Filing Proposed Tariff Revisions, As Modified,'' issued by the Commission on December 29, 2000 in Docket No. ER01–317–000.

Copies of this filing were served upon DPL Energy Resources and the Public Utilities Commission of Ohio.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Central Maine Power Company

[Docket No. ER01–1074–000]

Take notice that on January 29, 2001, Central Maine Power Company (CMP), tendered for filing as an initial rate schedule pursuant to Section 35.12 of the Federal Energy Regulatory Commission's (the Commission) regulations, 18 CFR 35.12, an executed interconnection agreement (the Agreement) between CMP and Greenville Steam Company (Greenville).

The Agreement is intended to replace the Purchased Power Agreement between the parties, which expired on December 31, 2000. As such, CMP is requesting that the Agreement become effective January 1, 2001.

Copies of this filing have been served upon the Commission, the Maine Public Utilities Commission, and Greenville.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Valley Electric Association, Inc.

[Docket No. ER01–1075–000]

Take notice that on January 29, 2001, Valley Electric Association, Inc. tendered for filing with the Federal Energy Regulatory Commission (Commission), an open access transmission tariff and accompanying rates.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Idaho Power Company

[Docket No. ER01–1076–000]

Take notice that on January 29, 2001, Idaho Power Company (IPC) tendered for filing with the Federal Energy Regulatory Commission a Service Agreement for Firm and Non-Firm Point-to-Point Transmission Service between Idaho Power Company and Pacific Northwest Generating Cooperative.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Avista Energy, Inc.

[Docket No. ER01–1077–000]

Take notice that on January 29, 2001, Avista Energy, Inc. (Avista) filed a notice of termination pursuant to Section 18.3 of the California Power Exchange Corporation (PX) FERC Electric Service Tariff No. 2 (PX Tariff) to be effective immediately, relating to Avista's termination of its Participation Agreement with the PX.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Georges Colliers, Inc.

[Docket No. ER01–1078–000]

Take notice that on January 29, 2001, Georges Colliers, Inc. (GCI) petitioned the Commission for acceptance of GCI Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations.

GCI intends to engage in wholesale electric power and energy purchases and sales as a marketer. GCI is not in the business of generating or transmitting electric power. GCI is a privately owned corporation involved in coal production and the marketing of electricity.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. New England Power Company

[Docket No. ER01–1079–000]

Take notice that on January 29, 2001, New England Power Company (NEP) submitted for filing a service agreement between NEP and PG&E Energy Trading—Power, L.P. (PGE&T) for service under NEP's Wholesale Market Tariff, FERC Electric Tariff, Original Volume No. 10.

Copies of the filing were served upon PGE&T and the Department of Public Utilities of the Commonwealth of Massachusetts.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Allegheny Energy Service Corporation, on Behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER01–1080–000]

Take notice that on January 29, 2001 Allegheny Energy Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), filed Service Agreement No. 338 to add AEP Ohio Commercial & Industrial Retail Company, LLC to Allegheny Power's Open Access Transmission Service Tariff.

The proposed effective date under the agreement is January 26, 2001.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. American Transmission Company LLC

[Docket No. ER01–1081–000]

Take notice that on January 29, 2001, American Transmission Company LLC (ATCLLC) tendered for filing a Network Operating Agreement and a Network Integration Service Agreement for The Village of Pardeeville and Oconto Falls Water & Light Commission.

ATCLLC requests an effective date of January 1, 2001.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. American Electric Power Service Corporation

[Docket No. ER01–1082–000]

Take notice that on January 29, 2001, the American Electric Power Service Corporation (AEPSC), tendered for filing three executed Network Integration Transmission Service (NTS) Agreements pursuant to the AEP Companies' Open Access Transmission Service Tariff (OATT). The OATT has been designated as the Operating Companies of the American Electric Power System FERC Electric Tariff, Second Revised Volume No. 6. The Agreements provide Network Integration Transmission Service for delivery of energy supplies to Consumers participating in retail supplier choice programs.

A copy of the filing was served upon the Parties and the state utility regulatory commissions of Arkansas, Indiana, Kentucky, Louisiana, Michigan, Ohio, Oklahoma, Tennessee, Texas, Virginia and West Virginia.

12. Southern Company Services, Inc.

[Docket No. ER01–1083–000]

Take notice that on January 29, 2001, Southern Company Services, Inc., acting on behalf of Alabama Power Company (APC), filed an Interconnection Agreement (IA) by and between APC and Caledonia Generating, LLC (Caledonia). The IA allows Caledonia to interconnect its generating facility to be located in Lowndes County, Mississippi to APC's electric system.

An effective date of January 29, 2001 has been requested.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Louisville Gas And Electric Company/Kentucky Utilities Company

[Docket No. ER01–1084–000]

Take notice that on January 29, 2001, Louisville Gas and Electric Company (LG&E)/Kentucky Utilities (KU) (hereinafter Companies) tendered for filing executed transmission service agreement with LG&E Energy Marketing, Inc. The agreement allows LG&E Energy Marketing, Inc. to take firm point-to-point transmission service from LG&E/KU. The point of receipt is Big Rivers Electric Cooperative (BREC) and the point of delivery is American Electric Power (AEP).

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Illinois Power Company

[Docket No. ER01–1085–000]

Take notice that on January 29, 2001, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 65251–2200, filed with the Commission a Service Agreement for Network Integration Transmission Service and a Network Operating Agreement entered into with Dynegy Power Marketing, Incorporated (DPM) pursuant to Illinois Power's Open Access Transmission Tariff.

Illinois Power requests an effective date of January 1, 2001 for the Agreements and accordingly seeks a waiver of the Commission's notice requirement.

Illinois Power states that a copy of this filing has been sent to DPM.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Allegheny Energy Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER01–1086–000]

Take notice that on January 29, 2001, 2001 Allegheny Energy Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), filed Service Agreement No. 337 to add AEP Ohio Retail Energy, LLC to Allegheny Power's Open Access Transmission Service Tariff.

The proposed effective date under the agreement is January 26, 2001.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Xcel Energy Operating Companies Northern States Power Company (Minnesota) Northern States Power Company (Wisconsin)

[Docket No. ER01–1087–000]

Take notice that on January 29, 2001, Northern States Power Company and Northern States Power Company (Wisconsin) (jointly NSP Companies), wholly owned utility operating company subsidiaries of Xcel Energy Inc., tendered for filing seven Firm Point-to-Point Transmission Service Agreements (Agreements) between the NSP Companies and NSP Energy Marketing. The NSP Companies propose the Agreements be included in the Xcel Energy Operating Companies FERC Joint Open Access Transmission Tariff, Original Volume No. 2, as Service Agreement Nos. 180–NSP, 181–NSP, 182–NSP, 183–NSP, 184–NSP, 185–NSP, and 186–NSP, pursuant to Order No. 614. The NSP Companies also submit Seventh Revised Sheet No. 1 (Table of Contents) to the Joint OATT, Original Volume 2, to reflect inclusion of the Agreements.

The NSP Companies request that the Commission accept the Agreements and Seventh Revised Sheet No. 1 effective January 1, 2001.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. American Transmission Company LLC

[Docket No. ER01–1088–000]

Take notice that on January 29, 2001, American Transmission Company LLC (ATCLLC) tendered for filing a Generator Interconnection Agreement between ATCLLC, Badger Windpower, LLC and Alliant Energy Corporate Services, Inc.

ATCLLC requests an effective date of February 12, 2001.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–3222 Filed 2–7–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–62–000, et al.]

UtiliCorp United Inc. and Aquila Energy Corporation, et al.; Electric Rate and Corporate Regulation Filings

February 2, 2001.

Take notice that the following filings have been made with the Commission:

1. UtiliCorp United Inc. and Aquila Energy Corporation

[Docket No. EC01–62–000]

Take notice that on January 30, 2001, UtiliCorp United Inc. (UtiliCorp) and Aquila Energy Corporation (Aquila), filed with the Federal Energy Regulatory Commission (Commission) an application for approval of disposition of jurisdictional facilities pursuant to section 203 of the Federal Power Act and section 33 of the Commission's regulations. The filing contemplates an initial public offering of Aquila common stock.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. High Desert Power Project, LLC

[Docket No. EG01–108–000]

Take notice that on January 31, 2001 High Desert Power Project, LLC (High Desert) with its principal place of business at 111 Market Place, Suite 200, Baltimore, MD 21202, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

High Desert was previously determined to be an EWG in High Desert Power Project, LLC, 93 FERC 62,244 (2000). In its application, High Desert stated that it intended to own and operate a natural gas-fueled generating facility with a net power production of 750 MW in San Bernardino County, California (the Facility). The instant application modifies the original application to provide that the Facility will be owned by an unaffiliated entity, the High Desert Power Trust (the Trust). High Desert will lease the Facility from the Trust, and will have care, custody, and control of the Facility and sell all of the output from the Facility exclusively at wholesale. The Facility is expected to commence commercial operation in the year 2003.

Comment date: February 23, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Central Hudson Gas & Electric Corporation

[Docket No. ER01–126–002]

Take notice that on January 30, 2001, Central Hudson Gas & Electric Corporation (Central Hudson) filed executed versions of the Interconnection Agreement (Roseton Plant), Service Agreement No. 260 under the New York Independent System Operator Open Access Transmission Tariff (NYISO OATT) and Interconnection Agreement (Danskammer Plant), Service Agreement No. 261 under the NYISO OATT (Interconnection Agreements). The executed Interconnection Agreements are submitted for substitution of the unexecuted versions of the Interconnection Agreements previously accepted for filing by the Commission in Docket No. ER01–126–000.

The service agreements will become effective on January 31, 2001.

Comment date: February 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Commonwealth Edison Company

[Docket No. ER01–628–002]

Take notice that on January 30, 2001 Commonwealth Edison Company (ComEd) submitted for filing a revision to the pagination of Schedule 4, Second Revised Sheet No. 124, of ComEd's Open Access Transmission Tariff (OATT). Due to an administrative oversight, Second Revised Sheet No. 124 was incorrectly paginated in the December 21, 2000 amended filing in Docket No. ER01–628–001. Accordingly, consistent with the regulations established in Order No. 614, *Designation of Electric Rate Schedule Sheets, Order 614,* FERC Stats. & Regs. & 31,096 (2000), ComEd submitted Second Revised Sheet No. 124 in accordance with Order 614.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Southern Company Services, Inc.

[Docket No. ER01–1089–000]

Take notice that on January 30, 2001, Southern Company Services, Inc., acting on behalf of Alabama Power Company (APC), filed an Interconnection Agreement (IA) by and between APC and Lone Oak Energy Center, L.L.C. (Lone Oak). The IA allows Lone Oak to interconnect its generating facility to be located in Lowndes County, Mississippi to APC's electric system.

An effective date of January 30, 2001 has been requested.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Central Maine Power Company

[Docket No. ER01–1090–000]

Take notice that on January 30, 2001, Central Maine Power Company (CMP), tendered for filing as an initial rate schedule pursuant to Section 35.12 of the Federal Energy Regulatory Commission's (the Commission) regulations, 18 CFR 35.12, an executed interconnection agreement (the Executed IA) and executed Form of Service Agreement for Non-Firm Local Point-to-Point Transmission Service (the Executed TSA) between CMP and Rocky Gorge Corporation (Rocky Gorge).

These agreements are intended to replace the Purchased Power Agreement between the parties, which expired on December 31, 2000. As such, CMP is requesting that the Executed IA and Executed TSA become effective January 1, 2001.

Copies of this filing have been served upon the Commission, the Maine Public Utilities Commission, and Rocky Gorge.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Metropolitan Edison Company

[Docket No. ER01–1091–000]

Take notice that on January 30, 2001, Metropolitan Edison Company (doing business as and referred to as GPU Energy) submitted for filing and acceptance an amendment (Amendment No. 1) to the Generation Facility Transmission Interconnection Agreement (Agreement) between GPU Energy and Calpine Construction Finance Company L.P. (Calpine). GPU Energy states that the purpose of Amendment No. 1 is to amend the Bonus/Liquidated Damages provisions described in Appendix E, Article VI, Section 2 of the Agreement.

GPU Energy requests waiver of the 60-day prior notice requirement, so that Amendment No. 1 may be accepted for filing and become effective as of January

4, 2001, as described in Amendment No. 1.

GPU Energy states that a copy of this filing has been served upon Calpine, PJM Interconnection, L.L.C., and regulators in the Commonwealth of Pennsylvania.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. New England Power Company

[Docket No. ER01–1092–000]

Take notice that on January 30, 2001, New England Power Company, successor to Montaup Electric Company, tendered for filing a notice of cancellation of its Wholesale Market Tariff, Original Volume No. 8, effective December 31, 2000, together with a notice of termination, pursuant to its own terms, of its service agreement with PG&E Energy Trading—Power, L.P.

The service agreement was effective for the period January 1, 2000 through December 31, 2000.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. American Transmission Company LLC

[Docket No. ER01–1093–000]

Take notice that on January 30, 2001, American Transmission Company LLC (ATCLLC) tendered for filing Short-Term Firm and Non-Firm Point-to-Point Transmission Service Agreements between ATCLLC and Consolidated Water Power Company.

ATCLLC requests an effective date of January 1, 2001.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. American Transmission Company LLC

[Docket No. ER01–1094–000]

Take notice that on January 30, 2001, American Transmission Company (ATCLLC), tendered for filing a revision to its Open Access Transmission Tariff. The revision would allow self-supply and third party supply of Service Schedule 2 (Reactive Supply and Voltage Control from Generation Sources).

ATCLLC requests an effective date coincident with its commencement of transmission service (January 30, 2001) and waiver of the Commission's notice requirements in order to allow for the self-supply and third-party supply to take effect as soon as possible.

Copies of the filing have been served on all transmission service customers, the Illinois Commerce Commission, the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. American Transmission Systems, Inc.

[Docket No. ER01–1095–000]

Take notice that on January 30, 2001, American Transmission Systems, Inc. filed a Service Agreement to provide Firm Point-to-Point Transmission Service for City of Cleveland, Department of Public Utilities, Division of Cleveland Public Power, the Transmission Customer. Services are being provided under the American Transmission Systems, Inc. Open Access Transmission Tariff submitted for filing by the Federal Energy Regulatory Commission in Docket No. ER99–2647–000.

The proposed effective date under the Service Agreement is January 1, 2001.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. American Transmission Company LLC

[Docket No. ER01–1096–000]

Take notice that on January 30, 2001, American Transmission Company LLC (ATCLLC) tendered for filing Network Operating Agreements and a Network Integration Service Agreements for Central Wisconsin Electric Cooperative and Washington Island Electric Cooperative.

ATCLLC requests an effective date of January 1, 2001.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. American Transmission Company LLC

[Docket No. ER01–1097–000]

Take notice that on January 30, 2001, American Transmission Company LLC (ATCLLC) tendered for filing Short-Term Firm and Non-Firm Point-to-Point Transmission Service Agreements between ATCLLC and Upper Peninsula Power Company, Gen-Sys Energy, Minnesota Power, Inc., Wisconsin Public Power Inc., TransAlta Energy Marketing, and Reliant Energy Services Inc.

ATCLLC requests an effective date of January 1, 2001.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Kentucky Utilities Company

[Docket No. ER01–1098–000]

Take notice that on January 30, 2001, Kentucky Utilities Company (KU) tendered for filing revisions to existing contracts between KU and its wholesale requirements customers.

KU requests an effective date of January 1, 2001 for these contracts.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Cleco Power LLC

[Docket No. ER01–1099–000]

Take notice that on January 30, 2001, Cleco Power LLC, tendered for filing its Notice of Succession pursuant to 18 CFR 35.16, effective December 31, 2000, in which it adopted, ratified, and made its own in every respect all applicable rate schedules, and supplements thereto, heretofore filed with the Commission by Cleco Utility Group Inc.

Effective December 31, 2000, Cleco Utility Group Inc. was converted from a corporate form to a limited liability company form. The conversion was effectuated through a merger with an entity formed solely for purposes of the conversion, namely Cleco Power LLC, with Cleco Power LLC as the surviving entity.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Alliant Energy Corporate Services, Inc.

[Docket No. ER01–1100–000]

Take notice that on January 30, 2001, Alliant Energy Corporate Services, Inc. tendered for filing executed Service Agreements establishing Adams Columbia Electric Cooperative, City of Stoughton, Rock County Electric Cooperative and Wisconsin Public Power, Inc. and unexecuted Service Agreements establishing Central Wisconsin Electric Cooperative, Kiel Electric Utility, Prairie du Sac Electric & Water Utility and Village of Pardeeville as ancillary service customers under the terms of the Alliant Energy Corporate Services, Inc. transmission tariff. Alliant Energy Corporate Services, Inc. also requests cancellation of the associated Network Service and Network Operating Agreements which are no longer required.

Alliant Energy Corporate Services, Inc. requests an effective date of January 1, 2001 and accordingly, seeks waiver of the Commission's notice requirements.

A copy of this filing has been served upon the Illinois Commerce Commission, the Minnesota Public Utilities Commission, the Iowa

Department of Commerce, and the Public Service Commission of Wisconsin.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Southwest Power Pool, Inc.

[Docket No. ER01–1101–000]

Take notice that on January 30, 2001, Southwest Power Pool, Inc. (SPP) tendered for filing an executed service agreement for Firm Point-to-Point Transmission Service with Entergy Power Marketing Corporation (Entergy).

SPP seeks an effective date of January 1, 2001 for this service agreement.

A copy of this filing was served on Entergy.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. JM Interconnection, L.L.C.

[Docket No. ER01–1102–000]

Take notice that on January 30, 2001, PJM Interconnection, L.L.C. (PJM), tendered for filing four executed service agreements for network integration transmission service, network integration transmission service under state required retail access programs, and point-to-point transmission service under the PJM Open Access Transmission Tariff. These agreements are between PJM and Pepco Energy Services, Inc.

Copies of this filing were served upon Pepco Energy Services, Inc. and the state commissions within the PJM control area.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. Wisconsin Electric Power Company

[Docket No. ER01–1103–000]

Take notice that on January 30, 2001, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing an electric service agreement between the Wisconsin Energy Corporation Operating Companies (WEC Operating Companies) and Wisconsin Public Power Inc. (WPPI) under the WEC Operating Companies Joint Ancillary Services Tariff. (WEC Operating Companies FERC Electric Tariff, Original Volume No. 2).

Wisconsin Electric respectfully requests an effective date of January 1, 2001

Copies of the filing have been served on WPPI, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

20. Wisconsin Electric Power Company

[Docket No. ER01–1104–000]

Take notice that on January 30, 2001, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing an electric service agreement between the Wisconsin Energy Corporation Operating Companies (WEC Operating Companies) and American Transmission Company LLC (ATCLLC) under the WEC Operating Companies Joint Ancillary Services Tariff. (WEC Operating Companies FERC Electric Tariff, Original Volume No. 2).

Wisconsin Electric respectfully requests an effective date of January 1, 2001.

Copies of the filing have been served on ATCLLC, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

21. American Transmission Company LLC

[Docket No. ER01–1105–000]

Take notice that on January 30, 2001, American Transmission Company LLC (ATCLLC) tendered for filing an Interconnection Agreement with Consolidated Water Power Company.

ATCLLC requests an effective date of January 1, 2001.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

22. American Transmission Company LLC

[Docket No. ER01–1106–000]

Take notice that on January 30, 2001, American Transmission Company LLC (ATCLLC) tendered for filing two Long-Term Firm Point-to-Point Service Agreements, which provide for the continuation of service to Wisconsin Public Power, Inc. and Consolidated Water Power Company under ATCLLC's OATT.

ATCLLC requests an effective date of January 1, 2001.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

23. American Transmission Company LLC

[Docket No. ER01–1107–000]

Take notice that on January 30, 2001, American Transmission Company LLC (ATCLLC) tendered for filing a Network Integration Service Agreement for Dairyland Power Cooperative.

ATCLLC requests an effective date of January 1, 2001.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

24. Citizens Communications Company

[Docket No. ER01–1108–000]

Take notice that on January 26, 2001, Citizens Communications Company (Citizens) filed a Supplemental Agreement with Select Energy, Inc., to sell a portion of Citizens' energy entitlement pursuant to the Firm Energy Contract between NEPOOL Phase II Participants and HydroQuebec, dated October 4, 1984, in addition to the portion sold in an agreement originally filed with the Commission on October 27, 2000 (FERC Electric Rate Schedule No. 42).

A copy of this filing was served on the service list in this docket, and on Select Energy, Inc. In addition, a copy of the rate schedule is available for inspection at the offices of Citizens' Vermont Electric Division during regular business hours.

Comment date: February 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

25. Cinergy Services, Inc.

[Docket No. ER01–1109–000]

Take notice that on January 30, 2001, Cinergy Services, Inc. (Cinergy) tendered for filing a Market-Based Service Agreement under Cinergy's Market-Based Power Sales Standard Tariff-MB (the Tariff) entered into between Cinergy and Engage Energy America LLC (EEA).

Cinergy and EEA are requesting an effective date of January 15, 2001.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

26. New England Power Pool

[Docket No. ER01–1110–000]

Take notice that on January 30, 2001, the New England Power Pool (NEPOOL) Participants Committee filed for acceptance materials to permit NEPOOL to expand its membership to include Dominion Nuclear Connecticut, Inc., Dominion Marketing I, Inc., and Dominion Marketing II, Inc. (collectively, the Dominion Entities), DTE Energy Trading, Inc. (DTE), and Energy Management, Inc. (EMI).

The Participants Committee requests an effective date of February 1, 2001 for commencement of participation in NEPOOL by the Dominion Entities, DTE, and EMI.

The Participants Committee states that copies of these materials were sent to the New England state governors and regulatory commissions and the Participants in NEPOOL.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

27. Public Service Company of New Mexico

[Docket No. ER01–1111–000]

Take notice that on January 30, 2001, Public Service Company of New Mexico (PNM) submitted for filing a unilaterally executed service agreement for 15 MW of firm point-to-point transmission service with Texas-New Mexico Power Company (TNMP) under the terms of PNM's Open Access Transmission Tariff. PNM's filing is available for public inspection at its offices in Albuquerque, New Mexico.

Copies of the filing have been sent to TNMP and to the New Mexico Public Regulation Commission.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

28. American Electric Power Service Corporation

[Docket No. ER01–1112–000]

Take notice that on January 30, 2001, the American Electric Power Service Corporation (AEPSC), tendered for filing executed Firm and Non-Firm Point-to-Point Transmission Service Agreements for Ameren Energy Marketing, and an amendment to Service Agreement No. 179, a network transmission service agreement executed by AMP-Ohio, Inc. All of these agreements are pursuant to the AEP Companies' Open Access Transmission Service Tariff (OATT) that has been designated as the Operating Companies of the American Electric Power System FERC Electric Tariff Second Revised Volume No. 6.

AEPSC requests waiver of notice to permit the Service Agreements to be made effective for service billed on and after January 1, 2001.

A copy of the filing was served upon the Parties and the state utility regulatory commissions of Arkansas, Indiana, Kentucky, Louisiana, Michigan, Ohio, Oklahoma, Tennessee, Texas, Virginia and West Virginia.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

29. Alcoa Power Generating Inc.

[Docket No. ER01–1113–000]

Take notice that on January 30, 2001, pursuant to Section 35.15(a), 18 CFR 35.15(a) of the Commission's Regulations, Alcoa Power Generating Inc. (APGI) filed with the Federal Energy Regulatory Commission a Notice of Termination of its Yadkin Division's market-based rate tariff. APGI is the successor to Yadkin, Inc. APGI's market-based rate tariff will remain on file with the Commission.

APGI requests an effective date for this termination of 60 days from the date of this filing, or March 31, 2001.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

30. WPS Westwood Generation, LLC

[Docket No. ER01–1114–000]

Take notice that on January 30, 2001, WPS Westwood Generation, LLC (Westwood), formerly CinCap VI, LLC (CinCap), filed a revised market-based rate tariff. Westwood also filed a Notice of Succession in Ownership for the interconnection agreement between CinCap and PPL Electric Utilities Corporation (PPL), PPL's First Revised Rate Schedule FERC No. 164.

Westwood requests waiver of the Commission's notice of filing requirements to allow the revised tariff to become effective January 31, 2001, the day after filing. Consistent with the Commission's regulations, Westwood requests that the Notice of Succession in Ownership become effective on January 1, 2001, the date of its name change.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

31. PJM Interconnection, L.L.C.

[Docket No. ER01–1115–000]

Take notice that on January 30, 2001, PJM Interconnection, L.L.C. (PJM) submitted for filing an Unscheduled Transmission Services Agreement between PJM and the New York Independent System Operator, Inc. (NYISO) (UTS Agreement) and a Notice of Cancellation of the Interconnection Agreement Between The NYPP Group And The PJM Group designated as PJM Group Rate Schedule FERC No. 5 and also as NYPP Group Rate Schedule FERC No. 3.

PJM requests waiver of the Commission's 60-day notice requirement to permit an effective date of January 1, 2001 for the UTS Agreement and the cancellation of the Interconnection Agreement Between The NYPP Group And The PJM Group designated as the PJM Group Rate Schedule FERC No. 5 and also as NYPP Group Rate Schedule FERC No. 3.

Copies of this filing were served upon the NYISO, all PJM and NYISO members, and the state electric utility regulatory commissions within the PJM control area and the NYISO.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

32. Wisconsin Public Service Corporation

[Docket No. ER01–1122–000]

Take notice that on January 30, 2001, Wisconsin Public Service Corporation (WPSC), tendered for filing a Notice of Cancellation of its transmission service agreement with Wisconsin Power & Light Company (WPL), Service Agreement No. 11, under WPSC's T–1 transmission tariff, FERC Electric Tariff, Original Volume No. 4.

WPSC requests a January 1, 2001 effective date.

Copies of the filing were served upon WPL, the Public Service Commission of Wisconsin, the Michigan Public Service Commission and the American Transmission Company, L.L.C.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

33. SF Phosphates Limited Company, LLC

[Docket No. ER01–1121–000]

Take notice that on January 30, 2001, SF Phosphates Limited Company, a Utah limited liability company, petitioned the Commission for acceptance of SF Phosphates Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; waiver of certain Commission regulations; and waiver of notice requirement.

SF Phosphates intends to engage in wholesale electric energy and capacity sales. SF Phosphates is owned by JR Simplot Company and Farmland Industries, Limited and is engaged in the manufacture of phosphate-based fertilizers.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public

inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–3252 Filed 2–7–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

February 2, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent License.

b. *Project No.:* 2652–007.

c. *Date filed:* August 30, 2000.

d. *Applicant:* PacifiCorp.

e. *Name of Project:* Bigfork Hydroelectric Project.

f. *Location:* On the Swan River/Flathead Lake, in the town of Bigfork, Flathead County, Montana. The project does not occupy any federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Michael B. Burke, Project Manager, PacifiCorp, 825 N.E. Multnomah, Suite 1500, Portland, OR 97232.

i. *FERC Contact:* Steve Hocking, e-mail address *steve.hocking@ferc.fed.us,* or telephone (202) 219–2656.

j. Deadline for filing motions to intervene and protests: 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted, but is not ready for environmental analysis at this time.

l. *Description of the Project:* The project consists of: (1) a 12-foot-high, 300-foot-long concrete diversion dam with a 235-foot-long spillway; (2) a reservoir with 73 surface acres; (3) a water intake structure and 1-mile-long flowline; (4) a forebay structure that directs water into three steel penstocks; (5) a brick powerhouse with three turbine/generator units with a total installed capacity of 4,150 kilowatts; (6) a fish ladder on the right abutment (north end of the dam); and (7) appurtenant facilities.

m. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2–A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to theproceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

David P. Boergers,

Secretary.

[FR Doc. 01–3257 Filed 2–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent To File Application for New License

February 2, 2001.

Take notice that the following Notice of Intent to File Application has been filed with the Commission and is available for public inspection.

a. *Type of filing:* Notice of Intent to File Application for a New License.

b. *Project No.:* P–1893.

c. *Date filed:* December 29, 2000.

d. *Submitted By:* Public Service Company of New Hampshire.

e. *Name of Project:* Merrimack River Project.

f. *Location:* On the Merrimack River, in Hillsborough and Merrimack Counties, New Hampshire. The project does not occupy federal lands of the United States.

g. *Filed Pursuant to:* 18 CFR 16.6 of the Commission's regulations.

h. *License Contact:* James Kearns, Northeast Generation Services, 273 Dividend Road, Rocky Hill, CT 06067, (860) 665–5936.

i. *FERC Contact:* Allan Creamer, *allan.creamer@ferc.fed.us,* (202) 219–0365.

j. *Effective date of current license:* May 1, 1980.

k. *Expiration date of current license:* December 31, 2005.

l. *The project consists of the following three developments:*

The Amoskeag Development consists of the following existing facilities: (1) A 29-foot-high, 710-foot-long concrete gravity dam comprised of: (i) A low crest section with 5-foot-high flashboards; and (ii) a high crest section with 3-foot-high flashboards; (2) a 7-mile-long, 478-acre reservoir; (3) a powerhouse, integral with the dam, containing three generating units with a total installed capacity of 16,000 kW; (4) a 415-foot-long, 34.5-kV double circuit transmission line; and (5) other appurtenant facilities.

The Hooksett Development consists of the following existing facilities: (1) A dam comprised of: (i) a 340-foot-long stone masonry section with 2-foot-high flashboards connected to; (2) a 250-foot-long concrete section with 2-foot-high flashboards; (2) a 15-foot by 20-foot Taintor gate; (3) a 5.5-mile-long, 405-acre reservoir; (4) a powerhouse containing a single generating unit with an installed capacity of 1,600 kW; and (5) other appurtenant facilities.

The Garvins Falls Development consists of the following existing

facilities: (1) An 18-foot-high, 550-foot-long concrete and granite gravity dam comprised of: (i) A low crest section with 3-foot-high flashboards; and (ii) a high crest section with 1.2-foot-high flashboards; (2) an 8-mile-long reservoir; (3) a 500-foot-long water canal with a 10-foot-wide waste gate; (4) a powerhouse containing four generating units with a total installed capacity of 12,100 kW; (5) a 340-foot-long, 34.5-kV transmission line; and (6) other appurtenant facilities.

m. Pursuant to 18 CFR 16.8 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 31, 2003.

David P. Boergers,

Secretary.

[FR Doc. 01–3258 Filed 2–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent To File Application for New License

February 2, 2001.

Take notice that the following Notice of Intent to File Application has been filed with the Commission and is available for public inspection:

a. *Type of filing:* Notice of Intent to File Application for a New License.

b. *Project No.:* P–459.

c. *Date filed:* January 17, 2000.

d. *Submitted By:* Union Electric Company (d.b.a. Ameren/UE).

e. *Name of Project:* Osage Project.

f. *Location:* On the Osage River, in Benton, Camden, Miller and Morgan Counties, Missouri. The project occupies federal lands of the United States.

g. *Filed Pursuant to:* 18 CFR 16.6 of the Commission's regulations.

h. *Licensee Contact:* Jerry Hogg, Ameren/UE, 617 River Road, Eldon, MO 65026, (860) 665–5936; *jhogg@ameren.com.*

i. *FERC Contact:* Any questions on this notice should be addressed to Allan Creamer at (202) 219–0365, or at allan.creamer@ferc.fed.us.

j. *Effective date of current license:* April 1, 1981.

k. *Expiration date of current license:* February 28, 2006.

l. *The project consists of:* (1) a 2,583-foot-long, 148-foot-high dam comprised of, from right to left: (i) a 1,189-foot-long, non-overflow section, (ii) a 520-foot-long gated spillway section, (iii) 511 feet of intake works and powerhouse, and (iv) a 368-foot-long non-overflow section; (2) an impoundment (Lake of the Ozarks), approximately 92 miles in length, covering 55,342 acres at a normal full pool elevation of 660 feet mean sea level; (3) a powerhouse, integral with the dam, containing eight main generating units (172 MW) and two auxiliary units (2.1 MW each), having a total installed capacity of 176.2 MW; and (4) appurtenant facilities. The project generates approximately 675,000 megawatt-hours of electricity annually.

m. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by February 28, 2004.

David P. Boergers,

Secretary.

[FR Doc. 01–3259 Filed 2–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

February 2, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of License.

b. *Project No.:* 349–070.

c. *Date Filed:* December 22, 2000.

d. *Applicant:* Alabama Power Company (APC).

e. *Name of Project:* Martin Dam Project.

f. *Location:* The project is located on the Tallapoosa River in the counties of Coosa, Elmore, and Tallapoosa, Alabama.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant's Contact:* Mr. James R. Schauer, Alabama Power Company, P.O. Box 2641, 600 North 18th Street, Birmingham, Alabama, 35291 Telephone (205) 257–1401, or E-mail address: *jrschaue@southernco.com.*

i. *FERC Contact:* Any questions on this notice should be addressed to Jim Haimes at (202) 219–2780, or E-mail address: *james.haimes@ferc.fed.us.*

j. Deadline for filing comments and or motions: 30 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website at *http://www.ferc.fed.us/efi/doorbell.htm.*

Please include the project number (P–349–070) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issued that may affect the responsibilities of a particular resource agency, the intervener also must serve a copy of the document on that resource agency.

k. Description of Amendment: APC proposes to refurbish and upgrade three of the four existing turbine-generator units at Martin Dam powerhouse. The project's fourth unit, a 552.-megawatt (MW) facility installed in 1952, would not be involved.

Specifically, APC proposes to rehabilitate the three 75-year-old, 33-MW units by installing in each the following new components/systems: a modern-design turbine runner; wicket gate; greaseless bushings for the gate operating system; stainless steel sleeves on the turbine shafts; thrust bearing oil coolers; and wedging system for the generator stator coils. In addition, the licensee proposes to re-insulate the generator rotor pole pieces, and to clean the paint all turbine and generator components.

The proposed measures would increase: (1) the generating capacity of each of the three rehabilitated units by 7 to 10 MW; and (2) the combined hydraulic capacity of the three rehabilitated turbines by 900 cubic feet per second (cfs) or by 8.6 percent—from 10,470 cfs currently to 11,370 cfs.

l. Locations of the Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on *http://www.ferc.fed.us/online/rims.htm* (call (202) 208–2222 for assistance). A copy is also available for

inspection and reproduction at the address in item h, above.

m. Individuals desiring to be included on the Commission's mailing list for the Martin Dam Project, No. 349, should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the subject application.

o. Filing the Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTESTS'', OR ''MOTION TO INTERVENE'', as applicable, and the project name and number, ''Martin Dam Amendment of License No. 349–070''. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon the representative of the APC specified in item h, above.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the subject application for amendment of license. If any agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representative listed in item h, above.

David P. Boergers,

Secretary.

[FR Doc. 01–3260 Filed 2–7–01; 8:45am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6943–1]

Agency Information Collection Activities: Proposed Collection; Comment Request; Information Collection Request for National Pollutant Discharge Elimination System (NPDES) and Sewage Sludge Monitoring Reports; OMB Control No. 2040–0004; EPA ICR No. 0229.15)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): Information Collection Request for National Pollutant Discharge Elimination System (NPDES) and Sewage Sludge Monitoring Reports; OMB Control No. 2040–0004; EPA ICR No. 0229.15); currently expiring September 30, 2001. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before April 9, 2001.

ADDRESSES: A copy of the proposed ICR will be available to interested persons without charge at the follow address: Betty West, USEPA, Office of Wastewater Management, Water Permits Division, 1200 Pennsylvania Avenue, NW, ICC Building, Room 7421–H, (Mail Code 4203M), Washington, DC 20460; email address: *west.betty@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Betty West, Telephone: (202)564–8486, Fax (202)564–6392, e-mail address: *west.betty@epa.gov.*

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which are covered by NPDES permits which include monitoring and reporting requirements and for sewage sludge record keeping and reporting requirements, treatment works treating domestic sewage and domestic septage haulers.

Title: Information Collection Request for National Pollutant Discharge Elimination System (NPDES) and Sewage Sludge Monitoring Reports; (OMB Control No. 2040–0004; EPA ICR No. 0229.15) expiring 09/30/01.

Abstract: This ICR estimates the current monitoring, recordkeeping and costs associated with submitting and reviewing Discharge Monitoring Reports (DMRs), sewage sludge monitoring reports, and other monitoring reports under the Environmental Protection Agency's (EPA) NPDES program. The NPDES program regulations, codified at 40 CFR parts 122 through 125, require permitted municipal and non-municipal point source discharges to collect, analyze, and submit data on their wastewater discharges. Under these regulations, the permittee is required to collect and analyze wastewater samples or have the analysis performed at an outside laboratory and report the results to the permitting authority (EPA or an authorized NPDES State) using DMRs, a preprinted form used for reporting pollutant discharge information. Sample monitoring, analysis, and reporting frequencies vary by permit, but must be performed at least annually for all permitted discharges except for certain storm water discharges. Upon renewal of this ICR, the permitting authority will continue to require NPDES and sewage sludge facilities to report pollutant discharge monitoring data. The permitting authority will use the data from these forms to assess permittee compliance, modify/add new permit requirements, and revise effluent limits. The monitoring data required of NPDES and sewage sludge facilities represents the minimum information necessary to achieve the Agency's goals and satisfy regulatory standards.

Due to the re-estimation of burden for this collection, the burden hours associated with this new ICR have increased slightly from the hours of the previous ICR. This increase is due to more accurate estimates of the implementation of the Agency's monitoring frequency reduction guidance. The change in burden is reflected in higher operation and maintenance costs, due to the cost associated with using the services of outside laboratories. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: EPA estimates that 83,415 NPDES permittees and 24,346 sludge permittees will perform sample collection, pollutant analysis, reporting and recordkeeping as part of their NPDES permit requirements to collect and report discharge monitoring data to permit authorities. These permittees are expected to provide 559,710 responses to State and Federal permit authorities. Nationally, permittees will spend 3,837,505 hours per year collecting samples of their wastewater or sludge; 2,842,365 hours will be spent by permittees with in-house laboratories for analyzing the samples collected; and permittees will spend 1,197,510 hours for recording and reporting the sampling and analysis information on DMRs. This amounts to a total of 7,889,707 burden hours annually. Permittees that send their samples to outside laboratories will incur $315,006,531 in sample analysis costs. Each permittee will spend an average of 13.2 hours per year to collect, analyze and report discharge monitoring data. EPA also estimates that sludge facilities will spend 12,327 hours keeping monitoring records (the recordkeeping burden for the remaining NPDES permittees is reported in the Compliance Assessment ICR, OMB Control No. 2040–0110).

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: February 2, 2001.

Michael B. Cook,

Director, Office of Wastewater Management.

[FR Doc. 01–3281 Filed 2–7–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6943–4]

Notice of Meeting of the EPA's Children's Health Protection Advisory Committee (CHPAC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the next meeting of the Children's Health Protection Advisory Committee (CHPAC) will be held February 21–23, 2001 at the Hotel Washington, Washington, DC. The CHPAC was created to advise the Environmental Protection Agency in the development of regulations, guidance and policies to address children's environmental health.

DATES: Wednesday, February 21, 2001, Work Group meetings only; plenary sessions Thursday, February 22 and Friday, February 23, 2001.

ADDRESSES: Hotel Washington, 515 15th Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Contact Paula R. Goode, Office of Children's Health Protection, USEPA, MC 1107A, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 564–2702.

SUPPLEMENTARY INFORMATION:

Agenda Items

The meetings of the CHPAC are open to the public. The Science and Research Work Group will meet from 9:30 a.m. to 5:00 p.m. and the 21st Century Work Group will meet from 1:00 p.m. to 4:30 p.m. on Wednesday, February 21, 2001. The plenary CHPAC will meet on Thursday, February 22 from 9:00 a.m. to 5:30 p.m., with a public comment period at 5:00 p.m., and on Friday, February 23 from 9:00 a.m. to 12:30 p.m.

The plenary session will open with introductions and a review of the agenda and objectives for the meeting. Agenda items include highlights of the Office of Children's Health Protection (OCHP) activities and reports from the Work Groups, speakers on States' children's environmental health activities, and a status report on the longitudinal cohort study on children (as found in the Child Health Act of 2000).

Dated: February 1, 2001.

Paula R. Goode,

Designated Federal Officer, Children's Health Protection Advisory Committee.

[FR Doc. 01–3283 Filed 2–7–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting; Notices

AGENCY: Federal Election Commission.

Previously Announced Date & Time: Thursday, February 8, 2001, 10:00 a.m., Meeting open to the public.

The following item has been added to the agenda:

Final Audit Report on Michigan Republican State Committee.

* * * * *

DATE & TIME: Tuesday, February 13, 2001 at 10:00 A.M.

PLACE: 999 E Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.
Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

* * * * *

DATE & TIME: Thursday, February 15, 2001 at 10:00 A.M.

PLACE: 999 E Street, N.W., Washington, D.C. (Ninth floor)

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.
Advisory Opinion 2001–01: North Carolina Democratic Party by Scott R. Falmlen, Executive Director.
Advisory Opinion 2001–02: Green Party of Kentucky by Alexander D. Moorhead, Treasurer.
Draft 2001 Legislative Recommendations.
Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone (202) 694–1220.

Mary W. Dove,

Acting Secretary of the Commission.

[FR Doc. 01–3350 Filed 2–6–01; 10:32 am]

BILLING CODE 6715–01–M

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Reissuances

Notice is hereby given that the following Ocean Transportation Intermediary licenses have been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR part 515.

License No.	Name/address	Date reissued
4337F	Air-Land & Sea Transport, Inc., 3000 Wilcrest, Suite #350, Houston, TX 77042	March 30, 2000.
12237N	Costa Rica Carriers, Inc., 8620 NW 70th Street, Miami, FL 33166	October 6, 2000.
15703N	MSD Line, Inc., 2400 S. Wilmington Avenue, Compton, CA 90220	November 24, 2000.
4105F	Overseas Mahanm Inc., 24 Lillian Lane, Plainview, NY 11803–5613	March 18, 1999.

Sandra L. Kusumoto,

Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 01–3219 Filed 2–7–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Revocations

The Federal Maritime Commission hereby gives notice that the following ocean transportation intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, effective on the corresponding dates shown below:.

License Number: 13231N.
Name: American Liner System Inc.
Address: 1333 Broadway, Suite 1222, New York, NY 11354.
Date Revoked: December 29, 2000.
Reason: Failed to maintain a valid bond.

License Number: 1284NF.
Name: Barnhart & Associates.
Address: 1910 Harriman Lane, Redondo Beach, CA 90278.
Date Revoked: December 1, 2000.
Reason: Surrendered license voluntarily.

License Number: 13284N.
Name: Blue Sky Blue Sea, Inc. d/b/a International Shipping Company.
Address: Cargo Bldg. 68, JFK International Airport, Jamaica, NY 11430.
Date Revoked: January 1, 2001.
Reason: Failed to maintain a valid bond.

License Number: 15164N.
Name: General Cargo International, Inc.
Address: 215 East Adams Avenue, #1, Huntington Beach, CA 92648.
Date Revoked: January 6, 2001.
Reason: Failed to maintain a valid bond.

License Number: 15461NF.
Name: I.M.D. Logistics Solutions, Inc. d/b/a IMD Container Line.
Address: 330 Primrose Road, Suite 410, Burlingame, CA 94010.
Date Revoked: December 8, 2000.
Reason: Failed to maintain valid bonds.

License Number: 4055F.
Name: International Cargo Services, Inc.
Address: 139 Mitchell Avenue, Suite #106, South San Francisco, CA 94080.
Date Revoked: December 31, 2000.
Reason: Failed to maintain a valid bond.

License Number: 3374F.
Name: International Express Cargo Services, Inc.
Address: 6918 NW 51st Street, Miami, FL 33166.
Date Revoked: January 7, 2001.
Reason: Failed to maintain a valid bond.

License Number: 4335N.
Name: International Services, Inc.
Address: 12000 Beacom Road, Columbus, OH 43074.
Date Revoked: December 1, 2000.
Reason: Failed to maintain a valid bond.

License Number: 18N.
Name: International Transportation Corp.
Address: 17 Battery Place, Suite 1120, New York, NY 10004.
Date Revoked: June 10, 1999.
Reason: Failed to maintain a valid bond.

License Number: 3861F.
Name: International Transportation Network.
Address: 452 Hudson Terrace, Englewood Cliffs, NJ 07632.
Date Revoked: January 4, 2001.
Reason: Failed to maintain a valid bond.

License Number: 13405N.
Name: M.A.P. Worldwide Carriers, Inc.
Address: 2303 Nance Street, Houston, TX 77020.
Date Revoked: December 21, 2000.
Reason: Failed to maintain a valid bond.

License Number: 6954N.
Name: Nimbus Services Inc.
Address: 4166 Santa Monica Blvd., Los Angeles, CA 90029.
Date Revoked: December 29, 2000.
Reason: Failed to maintain a valid bond.

License Number: 16729F.
Name: Sarah Worldwide Shipping, Inc.
Address: 6 Bear Trail, Fairview, NC 28730.
Date Revoked: December 22, 2000.
Reason: Failed to maintain a valid bond.

License Number: 3808F.
Name: Seabridge Express, Inc.
Address: 1010 So. 312th Street, Suite 333, Federal Way, WA 98003.
Date Revoked: December 30, 2000.
Reason: Failed to maintain a valid bond.

License Number: 4577N.
Name: Transtar Shipping, Inc.
Address: 405 Victory Avenue, Suite D, South San Francisco, CA 94080.
Date Revoked: January 1, 2001.
Reason: Failed to maintain a valid bond.

License Number: 834F and 834N.
Name: Wall Shipping, Co., Inc.
Address: P.O. Box 20022, Washington/Dulles International Airport, Washington, DC 20041.
Date Revoked: October 21, 2000 and December 7, 2000.
Reason: Failed to maintain a valid bond.

Sandra L. Kusumoto,

Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 01–3220 Filed 2–7–01; 8:45 am].

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Correction

In the **Federal Register** notice published January 18, 2001 (66 FR 4827) the reference to N. Abbe International, Inc. is corrected to read: ''H. Abbe International, Inc.''.

Dated: February 2, 2001.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 01–3218 Filed 2–7–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for licenses as Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR part 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel-Operating Common Carrier Ocean Transportation Intermediary Applicants:

Interglobal Logistics Corp., 430 West Merrick Road, Suite 15, Valley Stream, NY 11580, Officers: Cora Scotti, Vice President (Qualifying Individual), Danny Hoyos, President

Transportes Argenta, Inc., 8211 NW 68th Street, Miami, FL 33166, Officer: Elizabeth Castano, President (Qualifying Individual)

Combined Cargo International, Inc., 14330 W. Sylvanfield, Houston, TX 77014, Officers: Dianna M. Potter, President (Qualifying Individual), Barry Irish, Vice President

Fax Cargo Corporation, 8900 NW 35th Lane, Suite #140, Miami, FL 33172, Officer: Cecil Costadoni, President (Qualifying Individual)

J & B Logistics Ltd., 179–14 149th Road, #2nd Fl., Jamaica, NY 11434, Officer: Paul Chinho, Ree (Qualifying Individual)

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants:

Daily Freight International Services, Inc., 1941 N.W. 37th Avenue, Miami, FL 33172, Officers: Mario D. Galindo, President (Qualifying Individual), Maria E. Galindo, Vice President

Bellville Roadair International LLC, 158 Paris Street, Newark, NJ 07105, Officers: Morten Olesen, President (Qualifying Individual), Jeff Cullen, CEO

Cargo Unlimited, Inc., 98023 Westminster Drive, Humble, TX 77338, Officers: Cynthia P. Pira, President (Qualifying Individual), Emily Metcalf Zugar, Vice President

Trade Impact, LLC, 3201 1st Avenue So., Suite 209, Seattle, WA 98134, Officers: Erik Saathoff, Director (Qualifying Individual), Roger Skistimas, Managing Member

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants:

Global Forwarding Corp., 10420 N.W. 37th Terrace, Miami, FL 33178, Officer: Rebeka Shatzkamer, President (Qualifying Individual)

OMJ International Freight Corp., 2401 N.W. 93rd Avenue, Miami, FL 33172, Officer: Omar Collado, Owner (Qualifying Individual)

Aeromundo Express, Inc., 8282 NW 14th Street, Miami, FL 33126, Officer: Cristino E. Luna, President (Qualifying Individual)

Dated: February 2, 2001.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 01–3217 Filed 2–7–01; 8:45 am]

BILLING CODE 6730–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Meeting of the National Advisory Council for Healthcare Research and Quality

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice of public meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the National Advisory Council for Healthcare Research and Quality.

DATES: The meeting will be held on Friday, March 2, 2001, from 8:30 a.m. to 4:00 p.m. and is open to the public.

ADDRESSES: The meeting will be held at 6010 Executive Boulevard, Fourth Floor, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Anne Lebbon, Coordinator of the Advisory Council, at the Agency for Healthcare Research and Quality, 2101 East Jefferson Street, Suite 600, Rockville, Maryland 20852, (301) 594–7216. For press-related information, please contact Karen Migdail at 301/594–6120.

If sign language interpretation or other reasonable accommodation for a disability is needed, please contact Linda Reeves, Assistant Administrator for Equal Opportunity, AHRQ, on (301) 594–6662 no later than February 26, 2001.

SUPPLEMENTARY INFORMATION:

I. Purpose

Section 921 of the Public Health Service Act (42 U.S.C. 299c) established the National Advisory Council for Healthcare Research and Quality. In accordance with its statutory mandate, the Council is to advise the Secretary and the Director, Agency for Healthcare Research and Quality (AHRQ), on matters related to actions of the Agency to enhance the quality, improve outcomes, reduce costs of health care services, improve access to such services through scientific research, the promotion of improvements in clinical practice and in the organization, financing, and delivery of health care services.

The Council is composed of members of the public appointed by the Secretary and Federal ex-officio members. Donald M. Berwick, M.D., the Council chairman, will preside.

II. Agenda

On Friday, March 2, 2001, the meeting will begin at 8:30 a.m., with the call to order by the Council Chairman. The Director, AHRQ, will present the status of the Agency's current research, programs and initiatives. Tentative agenda items include healthcare workers, long term care plan, low income, urban, rural health care, and the shape of U.S. health care in the future. The official agenda will be available on AHRQ's website at *www.ahrq.gov* no later than February 9, 2001. The meeting will adjourn at 4:00 p.m.

Dated: February 2, 2001.

John M. Eisenberg,

Director.

[FR Doc. 01–3313 Filed 2–7–01; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 66 FR 1363–1364, dated January 8, 2001) is amended to retitle and revise the functional statement of the Hospital Infections Program (HIP), National Center for Infectious Diseases (NCID).

Section C–B, Organization and Functions, is hereby amended as follows:

Delete in its entirety the titles and functional statements for the Hospital Infections Program (CRM) and insert the following:

Division of Healthcare Quality Promotion (CRM). Protects patients, protects healthcare personnel, and promotes safety, quality, and value in the healthcare delivery system by providing national leadership for (1) Measuring, validating, interpreting, and responding to data relevant to healthcare outcomes, healthcare-associated infections/antimicrobial resistance, related adverse events, and medical errors among patients and healthcare personnel; (2) investigating and responding to outbreaks and emerging infections and related adverse events among patients, healthcare providers, or associated with the healthcare environment; (3) detecting, evaluating, monitoring, and responding to emerging antimicrobial resistant pathogens and infections; (4) creating and evaluating the efficacy of new interventions designed to prevent infections/antimicrobial resistance, related adverse events, and medical errors; (5) promoting clinical microbiology laboratory quality; (6) promoting water quality in healthcare settings; (7) identifying effective interventions that prevent healthcare-associated infections/antimicrobial resistance, related adverse events, and medical errors among patients and healthcare personnel; (8) promoting the nationwide implementation of these interventions; and (9) evaluating the impact of their implementation across the spectrum of healthcare delivery sites.

Office of the Director (CRM1). (1) Manages, directs, and coordinates the activities of the Division of Healthcare Quality Promotion (DHQP); (2) provides leadership and guidance on policy, program planning and development, program management, and operations; (3) provides DHQP-wide administrative and program services and coordinates or ensures coordination with the appropriate National Center for Infectious Diseases (NCID) and Centers for Disease Control and Prevention (CDC) staff offices on administrative and program matters; (4) provides liaison with other governmental agencies, international organizations, and other outside groups; (5) coordinates, in collaboration with the appropriate NCID and CDC components, global health activities relating to the prevention of healthcare-associated infections/antimicrobial resistance, related adverse events, and medical errors; (6) manages the division local area network (LAN) and coordinates the evolving LAN design with the Information Resources Management Office and the NCID LAN administrator; (7) provides hardware and software support to DHQP personnel in response to the changing information technology environment; and (8) advises the Director, NCID, on policy matters concerning DHQP activities.

Epidemiology and Laboratory Branch (CRM2). (1) Coordinates rapid and effective epidemiologic and laboratory response to outbreaks and emerging threats associated with infections/antimicrobial resistance and related adverse events throughout the healthcare delivery system; (2) provides comprehensive laboratory support and expertise (including consultation; organism recovery and identification; microbiologic, toxin, chemical, and molecular assays; and strain typing) for investigations of recognized and emerging bacterial agents (including those resistant to available antimicrobials) in healthcare settings; (3) implements surveillance and response systems to detect emerging threats, including those related to agents of bioterrorism, among patients and healthcare personnel; (4) investigates novel and emerging mechanisms of antimicrobial resistance among targeted pathogens found in healthcare settings; (5) conducts epidemiologic and basic and applied laboratory research to identify new strategies to prevent infections/antimicrobial resistance, related adverse events, and medical errors, especially those associated with indwelling medical devices, contaminated products, dialysis, and water; (6) evaluates the accuracy of commercial microbial identification and susceptibility testing systems and products through research and facilitates their improvement; (7) provides leadership in reducing microbiology laboratory errors that affect patient outcomes by evaluating laboratory proficiency and promoting laboratory quality improvements; (8) investigates the role of biofilms, particularly those detected in indwelling medical devices and medical water systems, in medicine and public health; and (9) in collaboration with other CDC Centers, Institutes, and Offices (CIOs) and partners, provides expertise (*e.g.* environmental sampling, microbial assays, environmental engineering, disinfection strategies), research opportunities, and laboratory support for investigations of environmental sources of infections and related adverse events, including those related to bioterrorism.

Epidemiology Section (CRM22). (1) Coordinates and ensures rapid and effective response to requests from state and local health departments and healthcare organizations for assistance with investigations of outbreaks and emerging threats associated with infections, antimicrobial resistance, and related adverse events throughout the healthcare delivery system; (2) provides comprehensive epidemiologic support (including detection systems, consultation, field investigation, risk factor evaluation, and control strategies) for investigations of recognized and emerging bacterial pathogens (including those resistant to available antimicrobials) in healthcare settings and potential bioterrorism events; (3) evaluates the relationship between bacterial strain characteristics and epidemiologic characteristics of pathogens associated with healthcare infections/antimicrobial resistance; and (4) develops and evaluates the efficacy of interventions designed to prevent healthcare-associated infections/antimicrobial resistance, related adverse events, and medical errors across the spectrum of healthcare delivery sites.

Diagnostic Microbiology Section (CRM23). (1) Provides laboratory support and expertise for outbreak investigations and special studies of aerobic and anaerobic bacteria causing healthcare-associated infections; (2) evaluates the relationship between bacterial strain characteristics and epidemiologic characteristics of pathogens; (3) provides reference diagnostic services for identification and classification of the *Micrococcaceae*, many *Enterobacteriaceae*, and all anaerobic

bacteria; (4) develops, evaluates, and improves novel or existing laboratory methods for identifying and characterizing bacteria causing health-associated infections; (5) evaluates *in vitro* reagents and products that show public health promise in improving the identification and characterization of bacterial pathogens; (6) conducts biochemical, immunochemical, and genetic studies of bacterial pathogens to determine marker systems useful for epidemiologic purposes such as determining pathogenicity, or virulence; (7) provides reference diagnostic activities for detection of staphylococcal toxins in isolates obtained from clinical specimens and environmental sources, including those that may be associated with bioterrorism events; (8) serves as the World Health Organization (WHO) National Klebsiella Center; (9) manages the bacteriology laboratory component of the College of American Pathologists (CAP) proficiency testing program for NCID/CDC; and (10) provides leadership in laboratory quality improvement practices directed toward reducing laboratory errors that affect healthcare outcomes.

Environmental and Applied Microbiology Section (CRM24). (1) Provides laboratory support and expertise for epidemic evaluations, consultation, and field investigations of healthcare-associated infections involving medical devices, therapeutic or diagnostic products and devices, environmental reservoirs of microorganisms/pathogens, or issues involving water quality; (2) investigates and defines environmental factors associated with healthcare-associated infections/antimicrobial resistance and related adverse events that affect healthcare outcomes; (3) conducts basic and applied laboratory research to identify new strategies to prevent infections/antimicrobial resistance, related adverse events, and medical errors, especially those associated with indwelling medical devices, contaminated products, dialysis, and water; (4) investigates and defines the role of biofilms and develops and evaluates methods to control them in water distribution systems and on indwelling medical devices; (5) develops and evaluates reliable methods to detect and quantify bacterial endotoxin, bioterrorism agents associated with institutional outbreaks, and dialysis-associated diseases; (6) develops and evaluates reliable methods and protocols for the disinfection and sterilization of medical devices, formites, potable water, recreational water, and water associated with healthcare-associated infections/antimicrobial resistance, in collaboration with other NCID divisions, the Environmental Protection Agency (FDA), and the Food and Drug Administration (FDA); (7) provides laboratory and field capability in environmental microbiology, and collaborates with other NCID organizations in epidemic investigations, evaluation of bioterrorism events, and field studies requiring expertise in environmental microbiology; (8) serves as the NCID/CDC lead for information, recommendations, and technical support concerning environmental sterilization, disinfection, and disposal/handling of medical waste; and (9) serves as the NCID/CDC lead for information, recommendations, and technical support concerning dialysis-associated infections and related adverse events, sterilization and disinfection strategies, water quality, and bacterial endotoxins.

Anti-infectives Investigation Section (CRM25). (1) Provides laboratory support for investigations of antimicrobial-resistant infections conducted by DHQP Epidemic Intelligence Service (EIS) officers and staff; (2) provides reference antimicrobial susceptibility testing services to state health departments, healthcare organizations, and other laboratories; (3) evaluates and reports on the accuracy of commercial antimicrobial susceptibility testing methods; (4) develops and evaluates new methods for detecting bacterial resistance to antimicrobial agents, in collaboration with the National Committee for Clinical Laboratory Standards; (5) improves the proficiency of microbiology laboratories by providing quality control and proficiency testing organisms to clinical laboratories in the United States and throughout the world in cooperation with state health departments, Emory University Rollins School of Public Health, and the WHO; (6) serves as a WHO Collaborating Center on Global Antimicrobial Resistance Monitoring in Bacteria; (7) collaborates with state health departments to perform surveys of antimicrobial susceptibility testing procedures in clinical laboratories; (8) investigates the molecular basis of antimicrobial resistance in bacteria through DNA hybridization studies, DNA sequence analysis, iso-electric focusing, and other analytical methods; and (9) provides bacterial strain typing services to evaluate dissemination of resistant organisms.

Prevention and Evaluation Branch (CRM3). (1) Supports local, state, national, and international efforts to prevent healthcare-associated infections/antimicrobial resistance, related adverse events, and medical errors using evidence-based recommendations and state-of-the art informatics and health communications strategies that enhance rapid and reliable information exchange; (2) develops and demonstrates the effectiveness of health communications, guidelines, recommendations, and other interventions to prevent healthcare-associated infections/antimicrobial resistance, related adverse events, and medical errors across the spectrum of healthcare delivery sites; (3) promotes the implementation of effective guidelines, recommendations, and other interventions to prevent healthcare-associated infections/antimicrobial resistance, related adverse events, and medical errors; (4) evaluates the impact of implementation of effective guidelines, recommendations, and other interventions on healthcare-associated infections/antimicrobial resistance, related adverse events, and medical errors; (5) provides consultation, guidance, and technical support to domestic and international partners on the prevention of healthcare-associated infections/antimicrobial resistance, related adverse events, and medical errors; and (6) develops and disseminates training tools and other strategies that enhance local capacity to protect patients and healthcare personnel and to promote quality healthcare.

Interventions and Evaluation Section (CRM32). (1) Collaborates with partners to promote healthcare safety, quality, and value across the spectrum of healthcare delivery sites; (2) coordinates the development of and disseminates evidence-based guidelines and recommendations to prevent and control healthcare-associated infections/antimicrobial resistance, related adverse events, and medical errors; (3) evaluates the effectiveness of interventions to prevent healthcare-associated infections/antimicrobial resistance, related adverse events, and medical errors; (4) promotes the implementation and evaluates the impact of guidelines, recommendations, performance measurement systems, best practices, and other strategies to prevent healthcare-associated infections/antimicrobial resistance, related adverse events, and medical errors; (5) develops, implements, and evaluates the effectiveness and impact of interventions to prevent transmission of healthcare-associated human immunodeficiency virus (HIV) and

other bloodborne pathogen infections; and (6) develops, implements, and evaluates the effectiveness and impact of interventions to prevent the dissemination of infections endemic in the community (e.g., as tuberculosis and influenza) in healthcare settings.

Health Communications Section (CRM33). (1) With input from DHQP branches, NCID/CDC Centers, Institutes and Offices (CIO's), partners and stakeholders, develops, implements, and evaluates the effectiveness of the DHQP health communications strategic plan to (a) deliver effective messages to target audiences that protect patients, protect healthcare personnel, and promote quality healthcare and (b) inform patients, partners, the public, decision makers, and other constituents about these issues; (2) coordinates provision of DHQP technical support and consultation to partners and constituents on the prevention of healthcare-associated infections/antimicrobial resistance, related adverse events, and medical errors; (3) develops and tests health communication materials in a variety of media, including but not limited to electronic and print; (4) develops and implements a real-time communication network for the delivery of information to intramural and extramural partners and stakeholders; (5) disseminates information to medical, technical, scientific, and lay audiences and news media about healthcare-associated infections/antimicrobial resistance, adverse events, and medical errors; (6) develops, coordinates, and maintains DHQP website; (7) develops and tests material, technologies, and strategies for training programs to prevent and control healthcare-associated infections/antimicrobial resistance, related adverse events, and medical errors; (8) develops and implements national health communication campaigns to promote the prevention and control of healthcare-associated infections/antimicrobial resistance, related adverse events, and medical errors; (9) evaluates the effectiveness of DHQP's health communication strategies to determine the impact and contribution to prevention and control of healthcare-associated infections/antimicrobial resistance, related adverse events, and medical; and (10) oversees DHQP's scientific and editorial clearance process for all print and non-print materials and ensures adherence to and consistency with CDC's scientific and editorial policies and clearance processes.

Healthcare Outcomes Branch (CRM4). (1) Evaluates the impact of healthcare-associated infections/antimicrobial resistance, related adverse events, and medical errors on healthcare outcomes and costs in order to establish priorities for DHQP intervention programs; (2) improves methods to measure healthcare outcomes, performance, and cost-effectiveness of intervention strategies; (3) improves systems by which health organizations collect, manage, analyze, report, and respond to data on healthcare outcomes, healthcare-associated adverse events, and medical errors; (4) implements and coordinates the National Healthcare Safety Network (NHSN) (a representative sample of healthcare organizations that report data on targeted healthcare-associated adverse events and medical errors) to obtain locally relevant and scientifically valid benchmarks and performance measurements that promote healthcare quality and value; (5) provides national estimates of targeted adverse events and medical errors among selected populations of patients across the spectrum of healthcare delivery sites; and (6) provides national estimates of targeted occupational illnesses and injuries among healthcare workers across the spectrum of healthcare delivery sites.

Quality Research Section (CRM42). (1) Evaluates the impact of healthcare-associated infections/antimicrobial resistance, related adverse events, and medical errors on patient outcomes, healthcare costs, and resource utilization; (2) develops scientifically valid and locally relevant methods of risk adjustment for interpreting and comparing performance measures and healthcare outcomes and costs among targeted populations; (3) develops analytic methods to provide reliable national estimates of the frequency and impact of targeted adverse health events among patients and healthcare personnel; and (4) develops analytic methods to evaluate the relationship among healthcare structure, processes of care, and healthcare outcomes.

Performance Measurement Section (CRM43). (1) with collaborating partners, establishes, maintains, and expands the NHSN to collect, report, monitor, interpret, and disseminate data relevant to healthcare safety, quality, and value; (2) with collaborating partners, develops and validates standard definitions of monitored healthcare events in targeted populations and healthcare settings. These events may include medical device-associated infections/adverse events/errors, drug-associated adverse events/errors, antimicrobial use/misuse, blood product-associated infections/adverse events/errors, procedure-associated infections/adverse events/errors, laboratory-associated adverse events/errors, vaccine-preventable and antimicrobial-resistant infections, and occupational exposures and infections; (3) develops, implements, and validates protocols for reporting monitored health events in targeted populations and healthcare settings; (4) develops analytic tools to create performance measures and other locally relevant data to enhance quality promotion activities; (5) collaborates with NCID, other CDC CIOs, and other information system partners to ensure that the NHSN and related information systems adhere to relevant standards and emerging architecture for integrated surveillance and information management; (6) coorindates translation of NHSN functional specifications and CDC standards to software developers and maintains ongoing communication with developers as the system evolves; (7) coordinates NHSN data management, data warehousing, and analysis systems; (8) develops information system capacity and transfer protocols to acquire data from various existing databases and sources to provide national estimates of monitored adverse health events among patients and healthcare personnel; (9) develops, updates, and disseminates public use de-identified data sets relevant to healthcare outcomes, infections and other adverse events, and medical errors; (10) investigates novel strategies for data acquisition and electronic reporting of adverse event and relevant data from healthcare organization information systems; and (11) identifies novel strategies for electronic detection, automated reporting, and interpretation of healthcare-associated infections/antimicrobial resistance, related adverse health events, and medical errors.

Dated: January 30, 2001.

Jeffrey P. Koplan,

Director.

[FR Doc. 01–3221 Filed 2–7–01; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0051]

Agency Information Collection Activities; Proposed Collection; Comment Request; Adverse Event Pilot Program for Medical Devices and Blood Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments concerning a pilot project FDA plans to conduct to obtain adverse event reports from user facilities.

DATES: Submit written or electronic comments on the collection of information by April 9, 2001.

ADDRESSES: Submit electronic comments on the collection of information via the Internet at http://www.accessdata.fda.gov/scripts/oc/dockets/edockethome.cfm. Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Adverse Event Pilot Program for Medical Devices and Blood Products

Under section 519 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360i), FDA is authorized to require manufacturers to report medical device related deaths, serious injuries, and malfunctions and to require user facilities to report device-related deaths directly to FDA and to manufacturers, and to report serious injuries to the manufacturer. Section 213 of the FDA Modernization Act of 1997 (FDAMA) amended section 519(b) of the act relating to mandatory reporting by user facilities of deaths and serious injuries and serious illnesses associated with the use of medical devices. This amendment required FDA to, by regulation, replace universal user facility reporting with a system that is limited to a ''* * * subset of user facilities that constitutes a representative profile of user reports'' for device related deaths and serious injuries. This amendment is reflected in section 519(b)(5)(A) of the act.

FDA is the Federal agency charged with the responsibility for ensuring that marketed medical products are safe and effective. To carry out its responsibilities, the agency needs to be informed whenever an adverse event or product problem occurs. Only if FDA is provided with such information will it be able to evaluate the risk, if any, associated with the product and take whatever action is necessary to reduce or eliminate the public's exposure to this risk. Data collected from user facilities about problems with medical devices assist FDA to carry out that mission as it pertains to medical devices. Prior to implementing the regulation to change from universal user facility reporting to reporting by a subset of user facilities, FDA is planning to conduct a pilot program to evaluate various aspects of the new program. The new user facility program that will be comprised of a subset of user facilities is called the Medical Product Surveillance Network (MedSuN). Two FDA Centers, the Center for Devices and Radiological Health (CDRH) and the Center for Biologics Evaluation and Research (CBER) are participating in this project. Data collected from the pilot will aid FDA in fulfilling its mission to monitor the safety and effectiveness of marketed medical devices as they are used in clinical settings and to determine what aspects of the pilot program should be implemented in the national program. The current FDA universal user-facility reporting system remains in place during the piloting of the new program, and will remain until FDA implements the new MedSuN national system by regulation.

An electronic format of the medical device related sections of the mandatory MedWATCH form (form 3500A; OMB Control number 0910–0291) will be accessible to the participating medical device user facilities and the participating blood establishments. The facilities participating in the collection of medical device-related adverse events will use this electronic format in reporting to FDA. The electronic format will include some additional items that are not on the 3500A form. These will be voluntary for participants to complete, such as hospital profile information and several questions related to the use of medical devices.

During this pilot project, FDA is planning to include the electronic collection of voluntary information related to blood products. Currently blood establishments and transfusion centers must investigate and keep records of adverse events regarding blood or blood products arising as a result of blood collection or transfusion (§ 606.170(a) (21 CFR 606.170(a))). In addition, when the event is fatal, FDA must be notified immediately (by phone, fax, express mail, or email) and a written report must be submitted within 7 days of the transfusion (§ 606.170(b). Deviations in the manufacturing of biological products, including blood and blood components, according to the recently published rule entitled ''Biological Products: Reporting of Biological Product Deviations in Manufacturing'' (November 7, 2000, 65 FR 66621), must also be reported to FDA when the product is distributed (21 CFR 606.171). The form for these reports is pending OMB approval.

However, these mandatory reports do not include errors related to the use of the product and do not include ''near-miss'' errors, an important way of analyzing weaknesses in the systems. The ''Medical Event Reporting System for Transfusion Medicine'' (MERS–TM) has been designed to provide this type of information. For this pilot program, blood transfusion centers and blood establishment centers who currently use

the MERS–TM to track internal events will be recruited to participate. These facilities will be asked to fill in the textual description of the blood-product related adverse event and to transfer the two outcome codes from the MERS–TM concerning problems with blood products to two additional data fields in the electronic format that will be dedicated to collecting this coded information. FDA will compare the information obtained in this reporting system with that obtained under existing mandatory and voluntary systems that are in place for transfusion-related fatalities, product deviations, and clinical adverse events. FDA will consider the information that is voluntarily reported under this pilot program to design a system that will assist FDA in gathering the most useful data, in the least burdensome manner, for its regulation (including packaging and labeling provisions) of establishments and products used in transfusion medicine.

Participation in this pilot will be voluntary and will initially include 25 hospitals that will respond to the medical device questions. At the same time, an initial nine blood establishments and transfusion services sites, which currently use the MERS–TM, will be recruited to participate. It is anticipated that during this pilot the number of participants will increase to approximately 250 facilities reporting medical device problems and the number of blood establishments and transfusion-services sites is anticipated to increase to 30. The electronic version will take approximately 45 minutes, or less, to complete. For the blood centers that are participating, the burden of participation will be approximately 15 minutes.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
Medical devices: 83	15	1,245	.75	934
Blood transfusions: 10	150	1,500	.25	375

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The number of respondents for medical devices was determined by the average number of respondents given that 25 facilities will be enrolled in the first year, up to 100 the second year, and up to 250 the third year. Eighty three is the average of the final complement of 250 facilities. The annual frequency of response is based on FDA's experience with its mandatory and voluntary reporting systems.

The number of respondents for blood transfusions was determined by the average number of respondents given that a total of 30 blood establishments will be enrolled at the end of 3 years. The annual frequency of response was based on the information that the American Red Cross submits about 15 reports per establishment per year. The MERS–TM will yield about a tenfold higher than the American Red Cross rate since it will include close-calls as well as actual adverse events.

Dated: February 2, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–3321 Filed 2–7–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0050]

Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Devices; Classification/Reclassification; Restricted Devices: Premarket Approval of Medical Devices

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing information collection, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection requirements for premarket approval of medical devices.

DATES: Submit written or electronic comments on the collection of information by April 9, 2001.

ADDRESSES: Submit electronic comments on the collection of information to http://www.accessdata.fda.gov/scripts/oc/dockets/edockethome.cfm. Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION:

I. Background

Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Premarket Approval of Medical Devices—21 CFR Part 814 (OMB Control No. 0910–0231)—Extension

Section 515 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360(e)) sets forth the requirements for premarket approval of certain class III medical devices. Class III devices are either preamendments devices that have been classified into class III, postamendments devices which are not substantially equivalent to a preamendments device, or transitional devices. Class III devices are devices such as implants, life sustaining or life supporting devices, or devices which otherwise present a potentially unreasonable risk of illness or injury, or for which are of substantial importance in preventing impairment of human health. Most premarket approval applications (PMA's) are for postamendments class III devices.

Under section 515 of the act, an application must contain several pieces of information including full reports of all information concerning investigations showing whether the device is reasonably safe and effective. The application should also include a statement of components, ingredients, and properties and of the principle or principles of operation of such a device and should also include a full description of the methods used in, and the facilities and controls used for the manufacture and processing of the device; and labeling specimens.

The implementing regulations, contained in part 814 (21 CFR part 814), further specify the contents of a PMA for a class III medical device and the criteria FDA employs in approving, denying, or withdrawing approval of a PMA and supplements to PMA's. The regulation's purpose is to establish an efficient and thorough procedure for FDA's review of PMA's and supplements to PMA's for certain class III (premarket approval) medical devices. The regulations contained in part 814 facilitate the approval of PMA's and supplements to PMA's for devices that have been shown to be reasonably safe and effective and otherwise meet the statutory criteria for approval. The regulations also ensure the disapproval of PMA's and supplements to PMA's for devices that have not been show to be reasonably safe and effective and that do not otherwise meet the statutory criteria for approval.

The Food and Drug Modernization Act of 1997 (FDAMA) (Public Law 105–115) was enacted on November 21, 1997, to implement revisions to the act by streamlining the process of bringing safe and effective drugs, medical devices, and other therapies to the U.S. market. Several provisions of this act affect the PMA process, such as section 515(d)(6) of the act. This section provided that PMA supplements were required for all device changes that affect safety and effectiveness of a device unless such changes are modifications to manufacturing procedures or method of manufacture. This type of manufacturing change requires a 30-day notice, or where FDA finds such notice inadequate, a 135-day PMA supplement.

To make the PMA process more efficient, FDA has in the past 3 years made changes to the PMA program based on comments received, has complied with changes to the program mandated by FDAMA and has worked towards completion of its PMA reinvention efforts.

Respondents to this information collection are persons filing a PMA application or a PMA supplement with FDA for approval of certain class III medical devices. Part 814 defines a person as any individual, partnership, corporation, association, scientific or academic establishment, government agency or organizational unit, or other legal entity. These respondents include entities meeting the definition of manufacturers such as manufacturers of commercial medical devices in distribution prior to May 28, 1976 (the enactment date of the Medical Device Amendments). Additionally, hospitals that re-use single use devices (SUD's) are also included in the definition of manufacturers. For the next 3 years, it is expected that FDA will receive four PMA applications from hospitals that remanufacture SUD's. This figure has been included in table 1 of this document as part of the reporting burden in § 814.15.

The total estimated reporting and recordkeeping burden for this information collection is 107,321 hours. FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
814.15, 814.20, and 814.37	62	1	62	837	51,894
814.39(f)	487	1	487	66	32,142
814.82	43	1	43	66	5,805
814.84	43	1	43	10	430
Section 201 (FDAMA)	10	1	10	10	100
Section 202 (FDAMA)	15	1	15	10	150
Section 205 (FDAMA)	8	1	8	50	400
Section 208 (FDAMA)	26	1	26	30	780
Section 209 (FDAMA)	8	1	8	40	320
Totals					92,021

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
814.82(a)(5) and (a)(6)	900	1	900	17	15,300
Totals					15,300

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The industry-wide burden estimate for PMA's is based on an FDA actual average fiscal year annual rate of receipt of 62 PMA original applications and 487 PMA supplements, using fiscal year 1996 through 2000 data.

The burden data for PMA's is based on data provided by manufacturers by device type and cost element in an earlier study. The specific burden elements for which FDA has data are as follows: (1) Clinical investigations: 67 percent of total burden estimate; (2) submission of additional data or information to FDA during a PMA review: 12 percent; (3) additional device development cost (e.g., testing): 10 percent; and (4) PMA and PMA supplement preparation and submissions, and development of manufacturing and controls data: 11 percent.

II. Paperwork Burden Estimate

The burden estimates were derived by consultation with FDA and industry personnel. FDA's estimates are based on actual data collected from industry over the past 3 years. An evaluation of the type and scope of information requested was also used to derive some time estimates. For example, disclosure information primarily requires time only to update and maintain existing manuals.

A. Reporting/Disclosure

The reporting burden can be broken out by certain sections of the PMA regulation: (1) § 814.15 *Research conducted outside the United States*; (2) § 814.20 *Application*; and (3) § 814.37 *PMA amendments and resubmitted PMA's*.

The majority of the burden—51,894 burden hours—is due to the above three requirements. Included in these three requirements are the conduct of laboratory and clinical trials as well as the analysis, review, and physical preparation of the PMA application. FDA estimates that 62 manufacturers (including hospital re-manufacturers of single use devices) will be affected by these requirements based on actual average FDA receipt of new PMA applications in years 1996 through 2000. FDA's estimate of the hours per response (837) was derived through FDA's experience and consultation with industry and trade associations. Included in these three requirements are the conduct of laboratory and clinical trails as well as the analysis, review, and physical preparation of the PMA application. In addition, FDA has based its estimate on the results of an earlier study that these requirements account for the bulk of the burden identified by manufacturers.

1. § 814.39(f)—PMA Supplements: 32,142 Burden Hours

FDA believes that the amendments mandated by FDAMA for § 814.39(f), permitting the submission of the 30-day notices in lieu of regular PMA supplements, will result in an approximate ten percent reduction in the total number of hours as compared to regular PMA supplements. As a result, FDA estimates that 32,142 hours of burden are needed to complete the requirements for regular PMA supplements.

2. § 814.82—*Postapproval requirements*: 5,805 Burden Hours

Postapproval requirements concern approved PMA's that were not reclassified and require a periodic report. In the last decade (1991 to 2000), the range of PMA's that fit this category averaged approximately 43 per year (70 percent of the 62 periodic submissions). Most approved PMA's have been subject to some post approval study requirement. Approximately half of the average submitted PMA's (31) require associated postapproval studies (i.e., followup of patients used in clinical trials to support the PMA or additional preclinical information) that is labor-intensive to compile and complete, and the other PMA's require minimal information. Based on its experience and on consultation with industry, FDA estimates that preparation of reports and information required by this section require 5,805 hours (135 hours per respondent).

3. § 814.84—*Reports*: 430 Burden Hours

Postapproval requirements described in § 814.82 (above) require a periodic report. FDA has determined respondents meeting the criteria of § 814.84 will submit reports on a periodic basis. As stated previously, the range of PMA's fitting this category averaged approximately 43 per year. These reports have minimal information requirements. FDA estimates that respondents will construct their report and meet their requirements in approximately 10 hours. This estimate is based on FDA's experience and on consultation with industry. FDA estimates that the periodic reporting required by this section take 430 hours.

The total hours for statutory burden is 1,750. This burden estimate was based on actual real FDA data tracked from January 1, 1998, to the present, and an estimate was derived to forecast future expectations with regard to this statutory data.

B. Recordkeeping

The recordkeeping burden in this section involves the maintenance of records used to trace patients and the organization and indexing of records into identifiable files to ensure the device's continued safety and effectiveness. These records would be required only of those manufacturers who have an approved PMA and who had original clinical research in support of that PMA. For a typical year's submissions, 70 percent of the PMA's are eventually approved and 75 percent of those have original clinical trial data. Therefore, approximately 43 PMA's a year (62 annual submissions times 70 percent) would be subject to these requirements. Also, because the requirements apply to all active PMA's, all holders of active PMA applications must maintain these records. PMA's have been required since 1976, and there are 900 active PMA's that could be subject to these requirements, based on actual FDA data. Each study has approximately 200 subjects, and, at an average of 5 minutes per subject, there is a total burden per study of 1,000 minutes, or 17 hours. The aggregate burden for all 900 holders of approved original PMA's, therefore, is 15,300 hours (900 approved PMA's with clinical data x 17 hours per PMA).

The applicant determines which records should be maintained during product development to document and/or substantiate the device's safety and effectiveness. Records required by the

current good manufacturing practices for medical devices regulation (21 CFR part 820) may be relevant to a PMA review and may be submitted as part of an application. In individual instances, records may be required as conditions to approval to ensure the device's continuing safety and effectiveness.

Dated: February 2, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–3323 Filed 2–7–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 96M–0311]

Agency Information Collection Activities; Announcement of OMB Approval; Public Health Service Guideline on Infectious Disease Issues in Xenotransplantation

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Public Health Service Guideline on Infectious Disease Issues in Xenotransplantation'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 18, 2000 (65 FR 62359), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0456. The approval expires on January 31, 2004. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: February 2, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–3320 Filed 2–7–01; 8:45 am]

BILLING CODE: 3510–22–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–0239]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Request for Resolution of Scientific Disputes Concerning the Regulation of Medical Devices

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by March 12, 2001.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Request for Resolution of Scientific Disputes Concerning the Regulation of Medical Devices

Section 404 of the Food and Drug Administration Modernization Act of 1997 (FDAMA) is intended to ensure that FDA has effective processes to resolve the scientific disputes that occasionally arise between FDA and the regulated industry. Section 404 of FDAMA added new section 562 to the Federal Food, Drug, and Cosmetic Act (the act) which requires FDA to establish, by regulation, a procedure under which a person who is a sponsor, applicant, or manufacturer may request a review of a scientific controversy, when no other provision of the act or regulation provides such review.

In a final rule issued in the **Federal Register** of November 18, 1998 (63 FR 63978), FDA amended 21 CFR 10.75 to reflect the provisions of FDAMA. Each affected FDA center is responsible for developing and administering its own processes for handling requests for section 404 of FDAMA reviews and is issuing a guidance document containing specific information of the type suggested by the comments. The draft guidance document outlines the requirements for persons who are sponsors, applicants, or manufacturers of medical devices and who wish to file a request for a review of a scientific dispute by the panel as set out in the guidance. Persons filing a request for review should provide a Center for Devices and Radiological Health ombudsman with a concise summary of the scientific issue in dispute, including a summary of the particular FDA action or decision to which the requesting party objects, any prior advisory panel action and the results of all efforts that have been made to resolve the dispute, and a clear articulated summary of the arguments and relevant data and information. They may also provide material outside the official administrative record and not in the possession of FDA at the time the decision or action in dispute was made if it has a significant bearing on the issue or related public health considerations. The information that is collected will form the basis for resolving the dispute between the requester and FDA.

The likely respondents to this collection of information are medical device sponsors, applicants, or manufacturers who have a scientific dispute with FDA and who request a review of the matter by the Medical Devices Dispute Resolution Panel.

In the **Federal Register** of April 27, 1999 (64 FR 22617), the agency requested comments on the proposed collection of information. No comments concerning the information collection were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
6	1	6	20	120

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The Medical Devices Dispute Resolution Panel represents a new process for resolving scientific disputes. In arriving at the estimates in table 1 of this document for the burden imposed in connection with a request for review by the Medical Devices Dispute Resolution Panel, FDA considered the number and substance of similar appeals of various types made to FDA in recent years, knowledge of similar submissions, and discussions with manufacturers.

Dated: February 2, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–3319 Filed 2–7–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1604]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; OTC Test Sample Collection Systems for Drugs of Abuse Testing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by March 12, 2001.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

OTC Test Sample Collection Systems for Drugs of Abuse Testing—21 CFR Part 809 (OMB Control Number 0910–0368)—Extension

FDA has reclassified over-the-counter (OTC) test sample collection systems for drugs of abuse testing from class III (premarket approval) into class I (general controls) subject to restrictions established in accordance with section 520(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j)(e).

The labeling requirements for certain in vitro diagnostic products require that manufacturers of OTC test sample collection systems for drugs of abuse testing provide certain information to consumers for the proper use of the test sample collection system and for interpreting the results. The purpose of this regulation is to ensure that lay persons collecting samples for testing have adequate instructions for sample collection and handling and for receiving and understanding the test results reported by laboratories performing the analyses.

The most likely respondents to this information collection will be manufacturers of over-the-counter drugs of abuse test kits.

In the **Federal Register** of November 16, 2000 (65 FR 69314), the agency requested comments on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE1.—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section	No. of respondents	Annual frequency per response	Total annual responses	Hours per response	Total Hours
809.10	20	1	20	100	2,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based upon submissions to the agency (premarket notifications, premarket approval applications, registration and listing), FDA estimates that there will be about 20 manufacturers of these devices.

FDA estimates, based upon discussions with manufacturers of similar devices required to comply with 21 CFR 809.10, that it will take approximately 40 hours to gather the information required by the rule, 40 hours to design and prepare the labeling, and an additional 20 hours per year to review and revise the labeling as necessary.

Dated: February 2, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–3322 Filed 2–7–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration, DHHS.

[Document Identifier: HCFA–6401]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Negative Case Action (NCA) Process/Annual Report; *Form No.:* HCFA–6401 (OMB# 0938–0300); *Use:* HCFA uses the NCA process to determine the accuracy of ineligible determinations focusing on the reason(s) for denial or the termination of assistance. The results of NCA reviews are used by the States and the Federal government to identify problem areas and plan corrective action initiatives to eliminate error causing situations; *Frequency:* Annually; *Affected Public:* State, local or tribal gov.; *Number of Respondents:* 51; *Total Annual Responses:* 51; *Total Annual Hours:* 6770.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Julie Brown, HCFA–6401, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: January 23, 2001.

John P. Burke III,

Reports Clearance Officer, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–3230 Filed 2–7–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–0299]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, DHHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Revision of a currently approved collection; *Title of Information Collection:* A Project to Develop an Outcome-Based Continuous Quality Improvement System for PACE; *Form No.:* HCFA–R–0299 (OMB #0938–0791); *Use:* The purpose of this project is to develop an out-come based continuous quality improvement (OBCQI) approach for the PACE program by (a) developing and testing potential outcome measures, (b) testing risk adjustment methods so that each site's outcomes can be appropriately evaluated, and (c) designing an OBCQI approach to improve quality in a systematic, evolutionary manner. Findings from this project are intended to guide the possible implementation of a national approach for OBCQI, in which PACE sites will collect data that will be used to determine and profile participant outcomes for their site; *Frequency:* On occasion; *Affected Public:* Not-for-profit institutions, Individuals or households; *Number of Respondents:* 8,298; *Total Annual Responses:* 93,970; *Total Annual Hours:* 21,692.04.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Julie Brown, HCFA-R–0299, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: January 18, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–3232 Filed 2–7–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–10004]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, DHHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated

burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New collection; *Title of Information Collection:* Restraints/Seclusion Death Reporting for Hospitals; *Form No.:* HCFA–10004 (OMB# 0938–NEW); *Use:* This collection requires hospitals to report deaths of patients that occur while the patient is in restraints or seclusion; *Frequency:* On occasion; *Affected Public:* Businesses and other for-profit, Not-for-profit institutions; *Number of Respondents:* 6,072; *Total Annual Responses:* 75; *Total Annual Hours:* 3.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: January 23, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–3228 Filed 2–7–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–10012]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, DHHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New collection; *Title of Information Collection:* Healthy Aging Smoking Cessation Demonstration; *Form No.:* HCFA–10012 (OMB# 0938–NEW); *Use:* The goals of the Healthy Aging Project are to test the effectiveness of three possible Medicare smoking cessation benefits and to make inferences that are generalizable to the Medicare program. Using a comparison trial with restricted randomization of study locales, this study will compare three variations in a potential Medicare smoking cessation benefit on smoking cessation and abstinence rates; *Frequency:* Semi-annually; *Affected Public:* Individuals or Households; *Number of Respondents:* 43,500; *Total Annual Responses:* 130,500; *Total Annual Hours:* 58,000.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: January 23, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–3229 Filed 2–7–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–53]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, DHHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Imposition of Cost Sharing Charges Under Medicaid and Supporting Regulations contained in 42 CFR 447.53; *Form No.:* HCFA–R–53 (OMB# 0938–0429); *Use:* The information collection requirements contained in 42 CFR 447.53 require the States to include in their Medicaid State Plan their cost sharing provisions for the medically and categorically needy. The State Plan is the method in which States inform staff of State policies, standards, procedures and instructions.; *Frequency:* Occasionally; *Affected Public:* State, Local or Tribal Government; *Number of Respondents:* 54; *Total Annual Responses:* 2; *Total Annual Hours:* 20.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and

recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: January 23, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–3231 Filed 2–7–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Availability of Funds for Grants for the Community Access Program

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of availability of funds.

SUMMARY: The Health Resources and Services Administration (HRSA) announces the availability of up to $40 million to assist communities and their safety net providers in developing integrated health care delivery systems that serve the uninsured and underinsured with greater efficiency and improved quality of care. This funding is part of the $125 million appropriated for the Community Access Program (CAP) under the FY 2001 HHS Appropriations Act, of which $8.4 million is allocated for special projects and Agency-wide programmatic investments. For those applications that were approved, but not funded in FY 2000, approximately $56 million will be made available pending the results of their validation site visits. The remaining $20 million will be made available later in the fiscal year in the form of grants to new communities or in the form of supplemental/expansion awards to FY 2000 grantees.

In FY 2000, DHHS provided about $23 million in funding for 23 communities for infrastructure development. In FY 2001, HRSA will provide grants to about 50 more communities which were approved but not funded in the FY 2000 application cycle. FY 2001 funding will also be used to support up to 40 additional communities to further their development of integrated delivery systems for the uninsured and underinsured. Grants will vary in size, based on the scope of the project and the size of the service area, and will be for one year.

Through this program, HRSA will support infrastructure development in communities that have already begun to reorganize and integrate their health care delivery systems. Funding described in this notice is not intended to support those communities that have not yet begun the planning and development of necessary organizational structure.

This program shares some of the same goals of the W.K. Kellogg Foundation's Community Voices Program and the Robert Wood Johnson Foundation's Communities in Charge Program. These foundations have also funded communities to develop integrated health care delivery systems for the uninsured, and CAP intends to build on the learning from their experiences.

DATES: The timeline for application submission, review, and award is as follows:

January 26, 2001: Application kits and additional guidance will be available through the HRSA Grants Application Center (GAC).

February 12–16, 2001: There will be a series of six pre-application workshops conducted across the country:

Nashville, TN—February 12, 2001
New Orleans, LA—February 12, 2001
Minneapolis, MN—February 14, 2001
Denver, CO—February 14, 2001
Philadelphia, PA—February 16, 2001
San Francisco, CA—February 16, 2001

May 7, 2001: Applications due to HRSA Grants Application Center.

June 11–22, 2001: Applications reviewed.

July/August 2001: Site visits to selected applicants.

September 2001: Grant awards announced.

ADDRESSES: To receive a complete application kit (i.e., application instructions, necessary forms, and application review criteria), contact the HRSA Grants Application Center at: HRSA GAC, 1815 N. Fort Myer Drive, Suite 300, Arlington, VA 22209, Phone: 1–877–HRSA–123, Fax: 1–877-HRSA–345, E-Mail: *hrsagac@hrsa.gov*.

FOR FURTHER INFORMATION CONTACT: For further information, contact the Community Access Program Office: Community Access Program Office, Health Resources and Services Administration, Parklawn Building, Suite 11–25, 5600 Fishers Lane, Rockville, MD 20857, Phone: (301) 443–0536, Fax: (301) 443–0248.

SUPPLEMENTARY INFORMATION: In 1999, 42.6 million people in the United States did not have health insurance. Of these, 24.2 million were employed—19 million worked full time and 5.2 million worked part time.

The uninsured and underinsured often have complex medical needs, remain outside organized systems of care, and have insufficient resources to obtain care. They may defer care or not receive needed services, and they are about half as likely to receive a routine check-up as insured adults. The uninsured and underinsured also rely heavily on expensive emergency rooms, and because they lack a routine source of care, they often do not receive needed follow-up services.

Many of the uninsured and underinsured rely on the nation's institutions, systems, and individual health professionals that provide a significant volume of health care services without regard for ability to pay. In many communities, these providers are struggling to care for the increasing numbers of uninsured and underinsured individuals. They face many challenges such as an uneven distribution of the burden of uncompensated care, the fragmentation of services for the uninsured, insufficient numbers of certain types of providers, reduced Medicaid revenues due to the market forces of Medicaid managed care, and a growing need for mental health and substance abuse services.

While integration among these providers is critical to serve the uninsured and underinsured with greater efficiency and to improve quality of care, many of these providers are so pressured by basic caregiving tasks, they need assistance to coordinate their efforts with other providers and to develop integrated community-based systems of care.

The Community Access Program

Program Purpose: The purpose of this program is to assist communities and consortia of health care providers to develop the infrastructure necessary to fully develop or strengthen integrated systems of care that coordinate health services for the uninsured and underinsured.

Program Goal: The coordination of services through the CAP grant will allow the uninsured and underinsured to receive efficient and higher quality care and gain entry into a comprehensive system of care. The system will be characterized by effective collaboration, information sharing, and clinical and financial coordination among all levels of care in the community network. The system will be committed to continuous performance

improvement, implementation of best practices, staff development, and real-time feedback of outcomes of care. Care management (e.g., case, disease) will be applied across the continuum for those with chronic illnesses, high-risk individuals, and high utilizers. The system will also strive to provide universal access to the target population and to improve the health status of the community population.

This vision requires a re-thinking of the relationships, priorities, and desired outcomes for local or regional care delivery. It means adopting the philosophy that care for the ill and injured occurs within the context of a comprehensive system design of population health improvement.

The community being served should be actively involved in the system design. Broad understanding, mutual learning between providers and community, and participation in priority setting and governance by the community are essential components of this vision. This will assure sustainability of the system.

Program Description

We are seeking to fund a variety of program models in communities that have an established track record for building partnerships and that have completed the basic planning necessary to implement a coordinated system of care. The successful applicant will design a project that builds upon its current capacities and strengths; brings the major players in the political and health delivery systems to the table; uses the federal funds available to plan a transition to an expanded and innovative approach that will ultimately be competitive within its own market; and will sustain the delivery of services and funding after these federal grants expire. The successful applicant will work with its county board, city council, state legislature, and state health programs to assure the coordination and efficient use of all available resources to achieve program goals.

There is no one successful model that we are trying to replicate. Rather, there are many models that already exist and that each community may draw from in creating a project to address its own needs.

In surveying innovative community approaches to the provision of safety net services, we have come across communities that have:

- Coordinated the provision of care through public hospitals, public health departments, and community health centers;
- Linked hospital and clinic services through state of the art data systems which allow transitions between Medicaid, uninsured, and insured status for low income populations;
- Combined the development of managed care networks for the indigent funded through local tax increases and the redirection of funds towards the care network and away from the support of tertiary care at public hospitals;
- Created networks to allocate uncompensated ambulatory care loads among physicians and redistribute caseloads to private providers; and
- Linked behavioral and acute care services.

We are looking for applicants with clear goals, an operational plan for meeting those goals, a history of commitment to serving indigent populations, and a track record which indicates likely success. Innovative proposals for sustaining the service delivery component of projects could include use of local or state taxing authorities, use of tobacco settlement funds, and creative partnerships with the provider and business communities. Applications will be judged from the perspective of whether the financing proposed is realistic—given state and community resources—and appropriate to the project proposed. It is our intent to fund those applicants that either serve a target population that is distinct from the target population of other applicants or current CAP grantees, or propose distinct strategies that are coordinated and complimentary to those applicants or CAP grantees that have overlapping target populations.

Funded projects will address several common elements:

Community Need: Funded communities will have high or increasing rates of uninsured and underinsured and will have identified specific organizational needs within existing delivery systems. A ''community'' for the purpose of this program may be based on geography or a population group (e.g., the homeless) as defined by the people in the community.

Collaboration Among Safety Net Providers: Funded communities will build upon current investments in communities for serving these populations and include the safety net providers who have traditionally provided services without regard to the ability to pay. The coalition should be built upon formal arrangements among the partners that define the extent of the commitment and involvement in policy development and decision-making from each partner.

Comprehensive Services: Funded communities will include all partners necessary to assure access to a full range of services, including mental health and substance abuse treatment. It is anticipated that the health services (prevention, primary, and specialty) provided by Federally-supported programs that are present in the community will be part of this coalition of providers.

Coordination with Public Insurance Programs: Funded communities will demonstrate coordination (e.g., memoranda of agreements) with state programs to ensure that eligible beneficiaries are enrolled in public insurance programs (e.g., SCHIP, Medicaid).

Community Involvement: Funded communities will have strong community support for these efforts, which provide a broad foundation of assistance to the provider community undertaking this project. Management and governance structures should be in place that assure accountability to funders and define the community role in setting policy. The community involvement in the development, implementation, and governance of the project should be evident. This should include the leadership within the appropriate legislative and executive bodies, providers identified above, health plans and payers, community leaders and consumers.

Sustainability: Funded communities will have a plan for long-term sustainability. There should be evidence that the program is capable of leveraging other sources of funds and integrating current funding sources in a way to assure long-term sustainability of the project.

Eligible Applicants

To encourage the development of different models, this program seeks a variety of applicants representing all types of communities. Applicants which receive funding may be large health care systems or small organizations. Applications are encouraged from large urban areas, small rural communities, and tribal organizations.

Applications may be submitted by public and private non-profit entities that demonstrate a commitment to and experience with providing a continuum of care to uninsured individuals. Each applicant must represent a community-wide coalition that is committed to the project and includes safety net providers (where they exist) who have traditionally provided care to the community's uninsured and underinsured regardless of ability to pay. The community-wide coalition

must consist of partners from all levels of care (i.e., primary, secondary, tertiary) and partners which represent a range of services (e.g., mental health and substance abuse treatment, maternal and child health, oral health, HIV/AIDS care).

Examples of eligible applicants which may apply on behalf of the community-wide coalition include but are not limited to:

- A consortium or network of providers (e.g., public and charitable hospitals; community, migrant, homeless, public housing, and school-based health centers; rural health clinics; free health clinics; teaching hospitals and academic institutions)
- Local government agencies (e.g., local public health departments with service delivery components)
- Tribal governments
- Managed care plans or other payers (e.g., HMOs)
- Agencies of State government, multi-state health systems, or other groups may submit applications on behalf of multiple communities if they demonstrate the ability to coordinate community health care delivery systems and bring resources to the community.

Current CAP grantees are not eligible to apply for this funding.

Funding Criteria

Review criteria that will be used to evaluate applications include:

- Evidence of progress towards integration prior to application for funding
- Evidence that the target population has a high or increasing rate of uninsurance
- Evidence of established partnerships among a broad-based community consortium
- Appropriateness and quality of clinical services to be provided
- Commitments from local government agencies, public and private health care providers, community leaders
- Demonstration of existing and sustainable public and private funding sources
- Accountable management plan and reasonableness of the budget
- Commitment to self evaluation and participation in a national evaluation

Program Expectations

Funding through this initiative may be used to support a variety of projects that would improve access to all levels of care for the uninsured and underinsured through coordinated systmes of care. Each community should design a project that best addresses the needs of the uninsured and underinsured, and the providers in their community.

Examples of activities that could be supported with this funding include:

- Offering a comprehensive delivery system for the uninsured and underinsured through a network of safety net providers. [Single registration, eligibility systems]
- Integrating preventive, mental health, substance abuse, HIV/AIDS, and maternal and child health services within the system. [Block grant funded services, other DHHS programs, state and local programs]
- Developing a shared information system among the community's safety net providers. [Tracking, case management, medical records, financial records]
- Developing and incorporating shared clinical protocols, quality improvement systems, utilization management systems, and error prevention systems.
- Sharing core management functions. [Finance, purchasing, appointment systems]
- Coordinating and strengthening priority services to specific targeted patient groups.
- Developing affordable pharmaceutical services.

Applicants will be expected to budget for travel to two grantee meetings and to meet interim and final reporting requirements as directed by the Community Access Program.

Use of Grant Funds

Funding provided through this program may NOT be used to substitute for or duplicate funds currently supporting similar activities. Grant funds may support costs such as:

- Project staff salaries
- Consultant support
- Management information systems (e.g., hardware and software)
- Project-related travel
- Other direct expenses necessary for the integration of administrative, clinical, information system, or financial functions
- Program evaluation activities

With appropriate justification on why funds are needed to support the following costs, up to a total of 15 percent of grant funds may be used for the following:

- Alteration or renovation of facilities
- Development of additional primary care sites
- Service expansions or direct patient care

Grant funds may NOT be used for:

- Construction
- Reserve requirements for state insurance licensure

Expected Results

The integration and coordination of services among a community's safety net providers are expected to result in:

- A system of care that provides coordinated care to the target population.
- Increased access to primary care resulting in a reduction in hospital admissions for ambulatory sensitive conditions among the uninsured and underinsured.
- Elimination of unnecessary, duplicate functions in service delivery and administrative functions, resulting in savings to reinvest in the system.
- Increased numbers of low-income uninsured people with access to a full range of health services.

Dated: January 31, 2001.

Claude Earl Fox,

Administrator.

[FR Doc. 01–3251 Filed 2–7–01; 8:45 am]

BILLING CODE 4160–15–U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

Endangered Species

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*). Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

PRT–038203

Applicant: E. Benjamin Nelson, Omaha, NE.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok *(Damaliscus pygargus dorcas)* culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–038338

Applicant: Neil A. Chamberlain, Linwood, MI.

The applicant requests a permit to import the sport-hunted trophy of one

male bontebok *(Damaliscus pygargus dorcas)* culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Marine Mammals

The public is invited to comment on the following application(s) for a permit to conduct certain activities with marine mammals. The application(s) was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18).

Written data, comments, or requests for copies of these complete applications or requests for a public hearing on these applications should be sent to the U.S. Fish and Wildlife Service, Division of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281. These requests must be received within 30 days of the date of publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

PRT–037832

Applicant: Joseph Mirro, Bath, PA.

The applicant requests a permit to import a polar bear *(Ursus maritimus)* sport hunted from the Western Hudson Bay polar bear population in Canada for personal use.

PRT–038236

Applicant: Kelvin Gold, Phoenix, AZ.

The applicant requests a permit to import a polar bear *(Ursus maritimus)* sport hunted prior to May 31, 2000, from the McClintock Channel polar bear population in Canada for personal use.

PRT–038284

Applicant: Frank Crooker, Sr. Harpswell, ME.

The applicant requests a permit to import a polar bear *(Ursus maritimus)* sport hunted from the Lancaster Sound polar bear population in Canada for personal use.

PRT–038291

Applicant: Frank Crooker, Jr., West Bath, ME.

The applicant requests a permit to import a polar bear *(Ursus maritimus)* sport hunted from the Lancaster Sound polar bear population in Canada for personal use.

PRT–027135

Applicant: Donald R. Card, Grand Ledge, MI.

The applicant requests a permit to import a polar bear *(Ursus maritimus)* sport hunted from the Northern Beaufort Sea polar bear population in Canada for personal use. On January 23, 2001, the request was mistakenly published under the Endangered Species section of the notice. Written data, comments, or requests will be accepted until February 22, 2001, as indicated in the January 23, 2001, notice.

The U.S. Fish and Wildlife has information collection approval from OMB through February 28, 2001. OMB Control Number 1018–0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358–2104); Fax: (703/358–2281).

Lisa J. Lierheimer,

Branch of Permits, Division of Management Authority.

[FR Doc. 01–3250 Filed 2–7–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Draft Recovery Plan for the Quino Checkerspot Butterfly for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service) announce the availability for public review of a draft recovery plan for the Quino checkerspot butterfly *(Euphydryas editha quino).* The Quino checkerspot butterfly represents a subspecies that is currently restricted primarily to clay and granitic soils at lower elevation slopes typically below 1400 meters (4600 feet) in open scrub, chaparral, and woodland communities. The populations addressed in this recovery plan are found in western Riverside County and southern San Diego County proximal to the Mexico international border. The Service solicits review and comment from local, State, and Federal agencies, and the public on this draft recovery plan.

DATES: Comments on the draft recovery plan must be received on or before March 26, 2001 to receive consideration by the Service.

ADDRESSES: The draft recovery plan is available for public inspection by appointment during normal business hours at the Service's Carlsbad Fish and Wildlife Office, 2730 Loker Avenue West, Carlsbad, California, 92008. Persons wishing to review the draft recovery plan may obtain a copy by contacting the Field Supervisor (attention Jim Bartel) at the above address or by calling (760) 431–9440. Comments and materials should be submitted to the above address and are available on request for public inspection by appointment at the Carlsbad Fish and Wildlife Office.

FOR FURTHER INFORMATION CONTACT: Alison Anderson at the Service's Carlsbad Fish and Wildlife Office, 2730 Loker Avenue West, Carlsbad, California, 92008. Telephone: (760) 431–9440.

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the Service's Endangered Species Program. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for the recovery levels for downlisting and delisting species, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

Individual responses to comments will not be provided

The Quino checkerspot is found in association with topographically diverse landscapes that contain low to moderate levels of non-native vegetation. Vegetation types that support the Quino checkerspot are coastal sage scrub, open chaparral, juniper woodland, forblands, and native grassland. Soil and climatic conditions, as well as ecological and physical factors, affect the suitability of habitat within the species' range. Urban and agricultural development, invasion of non-native species, habitat fragmentation and degradation, increased fire frequency, and other human-caused disturbances have resulted in substantial losses of habitat throughout the species' historic range. Conservation needs include protection and management of suitable and restorable habitat; habitat restoration and enhancement; and establishment of Quino checkerspot captive breeding program. This plan identifies six Recovery Units. Recovery Units are geographically bounded areas containing extant Quino checkerspot populations that are the focus of recovery actions or tasks. Recovery Units include lands both essential and not essential to the long-term conservation of the Quino checkerspot.

The overall objective of this recovery plan is to reclassify the Quino checkerspot to threatened and ensure the species' long-term conservation. Interim goals include (1) protect habitat supporting known current population distributions (habitat complexes), and (2) stabilize populations within known population distributions (described habitat complexes), and (3) conduct research necessary to refine recovery criteria. Reclassification is appropriate when a taxon is no longer in danger throughout a significant portion of its range.

Downlisting of the Quino checkerspot butterfly in southern California is contingent upon the following criteria: (1) Permanently protect habitat patches supporting known extant population distributions (habitat complexes) and possible landscape connectivity areas among them, (2) Permanently provide for and implement management of described habitat complexes to restore habitat quality, including maintenance of hostplant populations, maintenance of diverse nectar sources and pollinators, control of non-native plant invasion, and maintenance of internal landscape connectivity, (3) Establish and maintain a captive propagation program for purposes of re-introduction and augmentation of wild populations, maintenance of refugia populations, and research, (4) Initiate and implement a cooperative educational outreach program targeting areas where Quino checkerspot populations are most threatened, (5) Two additional populations or metapopulations must be documented or introduced in the remaining undeveloped coastal areas of the Quino checkerspot's historic range, (6) The managed, protected population or metapopulation segments within currently described habitat complexes must demonstrate stability (constancy or resilience) without augmentation, and (7) conduct research needed to refine management strategies and to develop delisting criteria.

The draft plan was developed with primary contributions from a recovery team of scientists from the University of California at Riverside, the University of California at Los Angeles, RECON Inc. (San Diego), the University of Nevada at Reno, and the University of Texas (Austin) with expertise in different aspects of *Euphydryas editha* biology.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of this plan.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: January 11, 2001.

Michael J. Spear,

Manager, California/Nevada Operations Office, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 01–3370 Filed 2–6–01; 1:16 pm]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Meeting of the Alaska Migratory Bird Co-management Council

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The Alaska Migratory Bird Co-management Council has scheduled a public meeting to develop recommendations for regulations for the spring/summer migratory bird subsistence harvest for the period March 10 to September 1, 2002. In addition to developing recommended regulations, the Co-management Council will finalize by-laws which will guide future deliberations of the Council.

DATES: The Co-management Council will meet February 26–28, 2001.

ADDRESSES: The meeting will be conducted at the Hawthorn Suites Hotel at 1110 W. 8th Avenue in Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: For additional information call Mimi Hogan at 907/786–3673 or Bob Stevens at 907/786–3499. Individuals with a disability who may need special accommodations in order to participate in the public comment portion of the meeting should call one of the above numbers.

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service formed the Alaska Migratory Bird Co-Management Council, which includes Native, state, and federal representatives as equals, by means of a Notice of Decision published in the **Federal Register**, 65 FR 16405–16409, March 28, 2000. Amended migratory bird treaties with Canada and Mexico required the formation of such a management body. The Co-management Council will make recommendations for, among other things, regulations for spring/summer harvesting of migratory birds in Alaska. In addition to creation of the Co-management Council, the Notice of Decision identified seven geographic regions. Each region will submit to the Co-management Council requests for specific regulations for its area. The Co-management Council will then develop recommendations for statewide regulations and submit them to the Fish and Wildlife Service for approval.

The meeting of the Co-management Council will begin on Monday, February 26 at 1:00 p.m. Sessions on February 27 and 28 will begin at 8:00 a.m. The public is invited to attend. The Co-management Council will provide opportunities for public comment on agenda items. Agendas will be available at the door.

Dated: January 19, 2001.

David B. Allen,

Regional Director, Anchorage, Alaska.

[FR Doc. 01–2588 Filed 2–7–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

RIN 1018–AG47

Policy on Maintaining the Biological Integrity, Diversity, and Environmental Health of the National Wildlife Refuge System: Delay of Effective Date

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final policy; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Review Plan,'' published in the **Federal Register** on January 24, 2001 (66 FR 7701), this document temporarily delays for 60 days the effective date of the document entitled ''Policy on Maintaining the Biological Integrity, Diversity, and Environmental Health of the National Wildlife Refuge System; Notice,'' published in the **Federal Register** on January 16, 2001 (66 FR 3809). This policy guides personnel of the National Wildlife Refuge System in implementing the clause of the National Wildlife Refuge System Improvement Act of 1997 directing the Secretary of the Interior to ensure that the ''biological integrity, diversity, and environmental health'' of the System is maintained.

DATES: The effective date of the Policy on Maintaining the Biological Integrity, Diversity, and Environmental Health of the National Wildlife Refuge System published in the **Federal Register** on January 16, 2001, at 66 FR 3809, is delayed for 60 days, from February 15, 2001, to a new effective date of April 16, 2001.

FOR FURTHER INFORMATION CONTACT: Elizabeth Souheaver, Acting Chief, Division of Natural Resources, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 670, Arlington, Virginia 22203; telephone (703) 358–1744.

SUPPLEMENTARY INFORMATION: To the extent that 5 U.S.C. section 553 applies to this action, this action is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A). Alternatively, the Department's implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. sections 553(b)(3)(B) and 553(d)(3), in that seeking public comment is impractical, unnecessary and contrary to the public interest. The temporary 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations.

Dated: February 2, 2001.

Timothy S. Elliott,

Acting Deputy Solicitor.

[FR Doc. 01–3223 Filed 2–7–01; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–070–1020–PG]

Resource Advisory Council Meeting; Upper Snake River District

AGENCY: Bureau of Land Management, Interior.

ACTION: Resource Advisory Council meeting locations and times

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C., the Department of the Interior, Bureau of Land Management (BLM) meeting of the Upper Snake River District Resource Advisory Council (RAC) will be held as indicated below. The agenda for this two-day meeting will include updates on the designation of an expanded Craters of the Moon, Fire Management Planning, the Shoshone Land Use Plan Amendments, Sage Grouse Studies in the Lower Snake River District as a starting point for studies in this District, and Selenium cleanup in the Pocatello Field Office. The agenda may change as other issues warrant between publication of this notice and the meeting. All meetings are open to the public. The public may present written or oral comments to the council. Each formal council meeting will have a time allocated for hearing public comments. Individuals who plan to attend and need further information about the meetings, or need special assistance such as sign language interpretation or other reasonable accommodations should contact David Howell at the Upper Snake River District Office, 1405 Hollipark Dr., Idaho Falls, ID 83401, or telephone (208) 524–7559.

DATES AND TIMES: The next meeting will be held February 21–22, 2000 at the Best Western Burley Inn, address in Burley, Idaho. An executive session of the RAC will begin at 1 p.m., and the full RAC meeting will begin at 2 p.m. The meeting will conclude no later than 3 p.m. the following day. Public comments, if any, will be scheduled from 2:00 to 2:30 p.m. on February 21, 2001.

SUPPLEMENTARY INFORMATION: The purpose of the Resource Advisory Council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with the management of the of the public lands.

FOR FURTHER INFORMATION CONTACT: David Howell, Upper Snake River District, 1405 Hollipark Dr., Idaho Falls, ID 83401, (208) 524–7559.

Dated: January 19, 2001.

Joe Kraayenbrink,

Idaho Falls Field Manager.

[FR Doc. 01–3280 Filed 2–7–01; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–1430–ET; N–62297]

Cancellation of Proposed Withdrawal; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management has canceled its withdrawal application to protect resource values and open space in southern Washoe County.

FOR FURTHER INFORMATION CONTACT: Dennis J. Samuelson, BLM Nevada State Office, P.O. Box 12000, Reno, Nevada 89520, 775–861–6532.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Withdrawal was published as FR Doc. 98–18016 in the **Federal Register**, 63 FR 36937–36940, July 8, 1998, for the Bureau of Land Management to withdraw 15,757.14 acres of reserved Federal minerals from mining and 166,906.28 acres of public land from surface entry and mining, but not from sales, exchanges, recreation and public purposes, or mineral leasing to protect resource values and open space in the southern Washoe County urban, suburban, and rural residential areas. This proposed withdrawal has been superseded by a subsequent proposal.

The segregative effect for the lands described in the notice terminated in accordance with said notice on July 7, 2000, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law.

Dated: February 1, 2001.

Jim Stobaugh,

Lands Team Lead.

[FR Doc. 01–3241 Filed 2–7–01; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that an agreed order amending the consent decree in *United States* v. *A&D Recycling, Inc., et al.,* Civil Action No. 1:CV–99–1332 (M.D. Pa.) was lodged with the court on January 22, 2001.

The original consent decree resolves claims of the United States against 120 defendants under sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9606 and 9607, for response costs and actions at the Jack's Creek Superfund Site in Mifflin County, PA. The proposed amendment reduces the amount one *de minimis* party, United Holdings Co., Inc., is required to pay from $58,526.44 to $33,600. This reduction is made based on a mutual mistake of fact in the original decree as to the amount of material United sent to the site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed amendment. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *A&D Recycling, Inc., et al.,* Civil Action No. 1:CV–99–1332 (M.D. Pa.), DOJ Ref. #90–11–2–911.

The proposed amendment may be examined and copied at the Office of the United States Attorney, Room 1162, Federal Building, 228 Walnut Street, Harrisburg, PA 17108; or at the Region III Office of the Environmental Protection Agency, c/o Daniel Isales, Assistant Regional Counsel, 1650 Arch Street, Philadelphia, PA 19103. A copy of the proposed amendment may be obtained by mail from the Consent Decree Library, P.O. Box No. 7611, Washington, DC 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $2.75 (25 cents per page reproduction costs), payable to the Consent Decree Library. Exhibits to the amendment may be obtained for an additional fee.

Bruce Gelber,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–3276 Filed 2–7–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with 28 CFR section 50.7 and section 122 of the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. 9622, notice is hereby given that on January 26, 2001, a proposed consent decree in *United States* v. *Alcoa, Inc.*, Civil Action No. 01–CV–0131, was lodged with the United States District Court for the Northern District of New York.

In this action the United States sought costs for response activities in connection with the aluminum product manufacturing facility owned by Alcoa, Inc. in Massena, New York. The Complaint alleges that the defendant is liable under section 107(a), 42 U.S.C. 9607(a), of CERCLA. Pursuant to the decree, defendant will pay to the United States past unreimbursed response costs in an amount totaling at least $695,117.26, plus interest.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Alcoa, Inc.*, Civil Action No. 01–CV–0131, D.J. Ref. 90–11–3–07173.

The proposed consent decree may be examined at the Office of the United States Attorney, Northern District of New York, James T. Foley Federal Building, 445 Broadway, Albany, New York, 12207 and at U.S. EPA, (Region II) 290 Broadway, 17th Floor New York, New York 10007–1866. A copy of the proposed consent decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. In requesting a copy, please enclose a check in the amount of $5.00 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Bruce S. Gelber,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–3273 Filed 2–7–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on January 30, 2001, a proposed Consent Decree (''Decree'') in *United States* v. *Avco Corporation*, Civil No. 4:CZ01–0198, was lodged with the United States District Court for the Middle District of Pennsylvania. The United States filed this action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act for recovery of costs incurred by the United States in responding to releases of hazardous substances at the Avco Lycoming Site in Williamsport, Pennsylvania.

Pursuant to the proposed Consent Decree, Avco Corporation will pay $461,500, in reimbursement of past costs, and agrees to pay future response costs of the United States, other than oversight costs.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decree. Comments should be addressed to the Assistant Attorney General of the environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to, *United States* v. *Avco Corporation*, D.J. Ref. #90–11–3–06903.

The Decree may be examined at the office of the U.S. Attorney, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania; at U.S. EPA Region 3, Office of Regional Counsel, 1650 Arch Street, Philadelphia, PA. A copy of the Decree may be obtained by mail from the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please enclose a check in the amount of $44.75 for the Decree (25 cents per page reproduction cost) payable to the Consent Decree Library.

Walker B. Smith,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–3275 Filed 2–7–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act, RCRA, CERCLA, and EPCRA

Under 28 CFR 50.7, notice is hereby given that on January 18, 2001, a Consent Decree in *United States* v. *BP*

Exploration & Co., et al., Civil Action No. 2:96 CV 095, was lodged with the United States District Court for the Northern District of Indiana, Hammond Division.

In the Second Amended Complaint the United States sought civil penalties and injunctive relief against BP Exploration & Co., Amoco Oil Company, and Atlantic Richfield Company (hereinafter, ''BP''), pursuant to Section 113(b) of the Clean Air Act (''CAA''), 42 U.S.C. 7413(b) (1983), *amended by,* 42 U.S.C. §7413(b) (Supp. 1991), the Resource Conservation and Recovery Act, (''RCRA''), 42 U.S.C. 6901 *et seq.*; the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. 9603(a) and the Emergency Planning and Community Right to Know Act (''EPCRA''), 42 U.S.C. 11004(a) for alleged violations at BP's eight refineries located in Whiting, Indiana; Toledo, Ohio; Mandan, North Dakota; Salt Lake City, Utah; Texas City, Texas; Yorktown, Virginia; Cherry Point, Washington; and Carson, California.

Under the settlement, BP will implement innovative pollution control technologies to greatly reduce emissions of nitrogen oxides (''NO_X'') and sulfur dioxide (''SO_2'') from refinery process units and adopt facility-wide enhanced monitoring and fugitive emission control programs. In addition, BP will pay a civil penalty of $10 million. The States of Indiana, Ohio, Utah, and the Northwest Air Pollution Authority, will join in this settlement as signatories to the Consent Decree.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *BP Exploration & Co., et al.,* D.J. Ref. 90–5–2–1–07109.

The Consent Decree may be examined at the Office of the United States Attorney, 1001 Main Street, Suite A, Dyer, Indiana 46311 and at U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. In requesting a copy, please enclose a check in the amount of $41.00 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Walker Smith,

Principal Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–3270 Filed 2–07–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

Notice is hereby given that on January 18, 2001 a proposed Consent Decree (''Decree'') in *United States and State of Colorado* v. *Burlington Northern Railroad Co.,* Civil Action No. 86–Z–369 was lodged with the United States District Court for the District of Colorado. The United States filed this action pursuant to sections 107(a)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9607(a)(2), to recover past response costs incurred by the United States Environmental Protection Agency (''EPA'') in conducting response actions taken at or in connection with the release or threatened release of hazardous substances at or from the Broderick Wood Products Superfund Site located at 5800 Galapago Street in Adams County, Colorado. The Decree provides for the reimbursement to EPA of $6,800,000.00 plus accrued interest from June 1, 2000 from Burlington Northern Railroad Company.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States and State of Colorado* v. *Burlington Northern Railroad Co.,* D.J. Ref. 90–7–1–254.

The Decree may be examined at the offices of the U.S. EPA Region VIII, 999 18th Street, Suite 500 South Tower, Denver, Colorado and at the Office of the United States Attorney, District of Colorado 1961 Stout Street, 11th Floor, Denver, CO 80294. A copy of the proposed consent decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 either with or without the multiple signature pages and attachments. In requesting a copy of the proposed consent decree, please enclose a check payable to the Consent Decree Library for $5.25 for a complete copy of the decree (25 cents per page reproduction cost).

Robert D. Brook,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–3271 Filed 2–7–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Extension of Time for Comments Relating to the Lodging of a Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that the public comment period on a proposed Consent Decree in *United States and State of Colorado* v. *Robert Friedland*, Civil No. 96 N 1213 (D. Colo.), has been extended at the request of a member of the public. The Department of Justice will continue to accept comments until February 20, 2001. The Consent Decree was lodged on December 22, 2000 with the United States District Court for the District of Colorado. Notice of the public comment period was previously published at 65 FR 83084 (December 29, 2000).

Comments should be addressed to the Assistant Attorney General of the Environmental and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to, *United States and State of Colorado* v. *Robert Friedland*, Civil No. 96 N 1213, and D.J. Ref. #90–11–3–1133B.

The Decree may be examined at the office of the U.S. Department of Justice, Environmental Enforcement Section, 999 18th Street, Suite 945, North Tower, Denver, Colorado; at U.S. EPA Region 8, Office of Regional Counsel, 999 18th Street, Suite 300, South Tower, Denver, Colorado. A copy of the Decree may be obtained by mail from the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please enclose a check in the amount of $5.50 for the Decree (25 cents per page reproduction cost) payable to the Consent Decree Library.

Robert Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–3272 Filed 2–7–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that the United States, on behalf of the United States Bankruptcy Court for the Western District of Pennsylvania, in *In re H.K. Porter Company, Inc.*, Bankruptcy Action No. 91–468–WWB (PGH), on January 16, 2001. This Settlement Agreement resolves the claims of the United States against H.K. Porter Company, Inc. (''H.K. Porter''), pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9601, *et. seq.*. The Settlement Agreement concerns H.K. Porter's ownership and operation of the Southern Asbestos site located at 426 Salem Road, Bennettsville, Marlboro County, South Carolina (the ''Site'').

The Settlement Agreement provides that pursuant to the Fourth Amended Creditors Committee Plan of Reorganization, H.K. Porter will pay $215,071 as a Class VII unsecured claim to the United States in reimbursement of response costs incurred by the United States at the Site. The Settlement Agreement further provides that the United States covenants not to bring a civil action or take administrative action against H.K. Porter pursuant to CERCLA, 42 U.S.C. 9606 and 9607, or the Resource Conservation and Recovery Act, 42 U.S.C. 6973, relating to the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *In re H.K. Porter Company, Inc.* DOJ #90–11–3–07062.

The proposed Consent Decree may be examined at the United States Trustees Office, Western District of Pennsylvania, 1000 Liberty Avenue, Room 319, Pittsburgh, PA 15222. A copy of the proposed Consent Decree may be obtained by mail from the Department of Justice consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please refer to the reference number given above and enclose a check in the amount of $1.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Ellen M. Mahan,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–3269 Filed 2–7–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Nassau Metals Corp., et al.,* C.A. No. 3:96–CV–562 (M.D. Pa.), was lodged on December 20, 2000, with the United States District Court for the Middle District of Pennsylvania. The consent decree resolves the United States' claims against the Estate of Joseph Brenner and the personal representative of the Estate with respect to past costs, pursuant to Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9607, in connection with the cleanup of the C&D Recycling, Inc., Site, located in Luzerne County, Pennsylvania. Under the consent decree, the personal representative of the Estate, based upon an ability-to-pay settlement, will pay the United States $77,000 in reimbursement of past response costs within forty-five days after entry of the consent decree by the Court. The personal representative of the Estate has also agreed to sell the Site property, in cooperation with a co-owner of the property, and to pay the United States the proceeds from said sale as provided under the terms of the consent decree.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Nassau Metals Corp., et al.,* DOJ Reference No. 90–11–3–1057–A.

The proposed consent decree may be examined at the office of the United States Attorney, Suite 309, Federal Building, Washington and Linden Streets, Scanton, Pennsylvania 18501; and the Region III Office of the Environmental Protection Agency, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029. A copy of the proposed decree may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $8.00 (.25 cents per page production costs), payable to the Consent Decree Library.

Robert D. Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–3268 Filed 2–7–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on January 19, 2001 a proposed Consent Decree (''Decree'') in *United States and State of Colorado* v. *William Field Services Co. et al.,* Civil Action No. 01–S–0113 was lodged with the United States District Court for the District of Colorado. The United States filed this action pursuant to section 113(b) of the Clean Air Act (the ''Act''), 42 U.S.C. 7413(b), for noncompliance with Section 165 of the Act, 42 U.S.C. 7475 pertaining to increased emissions of volatile organic compounds from major modifications at the settling defendant's so-called Ignacio Plant, a natural gas processing facility situated within the exterior boundaries of the Southern Ute Indian Reservation near Durango, Colorado.

Under the terms of the Decree Williams Field Services Company and Williams Gas Processing Company, Inc., will pay the United States a civil penalty in the amount of $850,000, and meet emission standards and other terms and conditions set forth in the Decree regarding emissions of volatile organic compounds until such time that a PSD permit has been issued to the companies by EPA or other duly authorized State or Tribal agency or commission to which EPA has delegated PSD permitting authority.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Williams Field Services Co., et al.,* D.J. Ref. 90–5–2–1–06938.

The Decree may be examined at the offices of the U.S. EPA Region VIII, 999

18th Street, Suite 500 South Tower, Denver, Colorado. A copy of the Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 either with or without the multiple signature pages and attachments. In requesting a copy of the Decree, please enclose a check payable to the Consent Decree Library for $6.75 for a complete copy of the decree (25 cents per page reproduction cost).

Walker B. Smith,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–3274 Filed 2–7–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

January 30, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Darrin King at (202) 693–4129 or E-Mail King-Darrin@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ESA, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Type of Review: Extension of a currently approved collection

Agency: Employment Standards Administration (ESA)

Title: Applications to Employ Special Industrial Homeworkers and Workers with Disabilities

OMB Number: 1215–0005

Affected Public: Business or other for-profit; Individuals or households; Not-for-profit institution; Farms; and State, Local, or Tribal Government

Frequency: Annually and Biennially

Form	Respondents	Responses	Average time per response	Burden hours
WH–2	50	50	30	25
WH–226*	4,500	4,500	45	3,375
WH–226A*	4,500	12,000	45	9,000
Total	4,550	16,550	.....	12,400

* Same respondents.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $1,684.

Description: This information collection is necessary to determine whether respondents will be authorized to pay sub-minimum wages to handicapped individuals and employ homeworkers in the restricted industries under the provisions of sections 11(d) and 14(c) of the Fair Labor Standards Act.

Type of Review: Extension of a currently approved collection.

Agency: Employment Standards Administration (ESA).

Title: Notice of Issuance of Insurance Policy.

OMB Number: 1215–0059.

Affected Public: Business or other for-profit and State, Local, or Tribal Government.

Frequency: Annually.

Number of Respondents: 60.

Number of Annual Responses: 4,000.

Estimated Time Per Response: 10 minutes.

Total Burden Hours: 667.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $1,680.

Description: The CM–921 provides insurance carriers with the means to supply the Department of Labor with information showing that a responsible coal mine operator is insured against its Federal Black Lung compensation liability pursuant to the requirements established in the Federal Black Lung Benefits Act. The CM–921 is authorized by 20 CFR ch. VI, Subpart C, 726.208–213.

Type of Review: Extension of a currently approved collection.

Agency: Employment Standards Administration (ESA).

Title: Request for Employment Information.

OMB Number: 1215–0105.

Affected Public: Business or other for-profit.

Frequency: On occasion.

Number of Respondents: 500.

Number of Annual Responses: 500.

Estimated Time Per Response: 15 minutes.

Total Burden Hours: 125.

Total Annualized Capital/Startup Costs: 40.

Total Annual Costs (operating/maintaining systems or purchasing services): $185.

Description: This information collection is used to collect information about a claimant's employment. It is necessary to determine continued eligibility for compensation payments under the Federal Employees' Compensation Act (FECA).

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 01–3285 Filed 2–7–01; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of January, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of important of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–38,360; Georgia Pacific Corp, Structural Panel Div.—OSB, Baileyville, ME
TA–W–38,258; U.S. Label Artistic, Clinton, NC
TA–W–38,340; New Monarch Machine tool, Inc., Cortland, NY
TA–W–38,293 Dresser-Rand, Painted Post, NY

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA–W–38,458; Country Roads, Greenville, MI
TA–W–38,369; Dun & Bradstreet, Global Technology Organization (GTO), Parsippany, NJ
TA–W–38,309; Virogenetics Corp., Troy, NY
TA–W–38,328; Initial Security, Inc., Portland, OR
TA–W–38,405; Cabot Performance Materials, Boyertown, PA
TA–W–38,177; Potlatch Corp., Lewiston, ID
TA–W–38,291; Hager Companies, Montgomery Central Distribution Center, Montgomery, AL

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–38,376; Galey & Lord Industries, Inc., Shannon, GA
TA–W–38,365; Agrilink Foods, Inc., Alamo, TX
TA–W–38,349; 21st Century Companies, Inc., Dearborn Brass, Tyler, TX
TA–W–38,202; Creighton, Inc., Reidsville, NC
TA–W–38,243; Color-Tex International, North Carolina Finishing Div., Salisbury, NC
TA–W–38,135; Archer Daniels Midland Co., Oilseed Processing & Terminal Receiving, Downtown Elevators, Helena, AR

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–38,507; Dresser-Wayne Division (Halliburton), Salisbury, MD

The investigation revealed that criteria (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–38,345; General Time Corp., Athens, GA: November 13, 1999.
TA–W–38,384; Thompson Steel Co., Inc., Baltimore, MD; November 22, 1999.
TA–W–38,356; Johnson Controls, Inc., Controls Group—Poteau Facility, Poteau, Facility, Poteau, OK: November 9, 1999.
TA–W–38,327; Irving Forest Products, Pinkham Sawmill, Ashland, ME: November 7, 1999.
TA–W–38,308; Advanced Cast Products, Meadville, PA: October 25, 1999.
TA–W–38,175; Cai
TAc Manufacturing, Inc., Billingham, WA: September 18, 1999.
TA–W–38,404; Lending Textile Co., Montgomery, PA: November 17, 1999.
TA–W–38,398; G. F. Wright Steel & Wire Co., Worcester, MA: August 4, 2000.
TA–W–38,265; HI-Line Storage Systems, Perkasie, PA: October 13, 1999.
TA–W–38,331; Babyfair, Inc., Babyfair, Inc., Brooklyn, NY: November 6, 1999.
TA–W–38,208; Parana Supplies Corp. Including Leased Workers of RMPersonnel, El Paso, TX: October 9, 1999.
TA–W–38,284; NRB Industries, Inc., Radford Plant, Radford, VA: September 4, 2000.
TA–W–38,448; Fruit of The Loom Arkansas, Osceola, AR: November 27, 1999.
TA–W–38,322 & A; Goldendale Aluminum, Inc., Goldendale, WA & Inc., Northwest Aluminum, The Dalles, OR: November 3, 1999.
TA–W–38,269; Hamilton Beach/Proctor Silex, Inc., Mount Airy, NC: December 12, 2000.
TA–W–38,375; CHF Industries, Inc., Kaufman, TX: November 16, 1999.
TA–W–38,160; Baxter Healthcare Corp., Skokie, IL: November 16, 1999.
TA–W–38,381; Karmazin Products Corp., Wyandotte, MI: November 17, 1999.
TA–W–38,304; USR Optonix, Inc., Toner Division, Hackettstown, NJ: October 24, 1999.
TA–W–38,194; Covington Industries, Opp, AL: April 25, 2000.
TA–W–38,160; Jomac-Wells Lamont Industry, Brunswick, MO: September 20, 1999.
TA–W–38,414; Villazon and Co., Inc., TAmpa, FL: December 4, 1999
TA–W–38,316; Bryant Grinder Corp., Springfield, VT: November 1, 1999.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of January 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of article like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during he relevant period.

NAFTA–TAA–04301; Holtrachem Manufacturing LLC, Riegelwood, NC

NAFTA–TAA–04277; NRB Industries, Inc., Radford Plant, Radford, VA

NAFTA–TAA–04268; Utica Cutlery Co., Utica, NY

NAFTA–TAA–04313; Agrilink Foods, Alamo, TX

NAFTA–TAA–04143; Kezar Falls Woolen Co., A Division of Robinson Manufacturing Co., Parsonsfield, ME

NAFTA–TAA–04234; Parana Supplies Corp., El Paso, TX

NAFTA–TAA–04319; Georgia Pacific Corp., Structural Pannel Division—OSB, Baileyville, ME

NAFTA–TAA–04156; Archer Daniels Midland Co., Oilseed Processing & Terminal Receiving, Helena, AR

NAFTA–TAA–04209; Creighton, Inc., Heidsville, NC

NAFTA–TAA–04219; Color-Tex International, North Carolina Finishing Div., Salisbury, NC

The investigation revealed that the criteria for eligibility have not been met for the reasons specified.

NAFTA–TAA–04176; Potlatch Lumber Corp., Lewiston, ID

NAFTA–TAA–04373; Country Roads, Inc., Greenville, MI

NAFTA–TAA–04360; Phelps Trucking, Inc., Hood River, OR

The investigation revealed that workers of the subject firm did not produce an article within the meaning of Section 250(a) of the Trade Act, as amended:

NAFTA–TAA–04303; 21st Century Companies, Inc., Dearborn Brass, Tyler, TX

The investigation revealed that criteria (2) has not been met. Sales or production, or both, of such firm or subdivision did not decrease during the relevant period.

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–04173; Caitac Manufacturing, Inc., Bellingham, WA: September 25, 1999.

NAFTA–TAA–04369; Sola Poly Miami, A Division of Sola Optical USA, Miami, FL: June 2, 1999.

NAFTA–TAA–04240; Ingersoll-Rand Co., Schlage Lock, Residential Security and Safety Div., San Jose, CA: October 11, 1999.

NAFTA–TAA–04416; Fruit of The Loom Arkansas, Osceola, AR: December 29, 1999.

NAFTA–TAA–04270; Elmer's Products, Inc., Bainbridge, NY: October 12, 1999.

NAFTA–TAA–04284; USR Optonix, Inc., Toner Div., Hackettstown, NJ: October 24, 1999.

NAFTA–TAA–04399; Tyco Electronics, Irvine, CA: December 11, 1999.

NAFTA–TAA–04314; Lexmark International, Lexington, KY: November 17, 1999.

NAFTA–TAA–4292; Irving Forest Products, Inc., Pinkham Sawmill, Ashland, ME: November 7, 1999.

NAFTA–TAA–04351; G.F. Wright Steel and Wire Co., Worcester, MA: August 4, 2000.

NAFTA–TAA–04320; Lending Textile Co., Montgomery, PA: November 17, 1999.

I hereby certify that the aforementioned determinations were issued during the month of January, 2001. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: January 22, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–3287 Filed 2–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,083, TA–W–38,083A]

Allegheny Ludlum Corporation; Washington and Houston, PA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on December 19, 2000, applicable to workers of Allegheny Ludlum Corporation, Jessop Plate Mill, Jessop O&T, Washington Flat Roll (formerly Washington Steel Corporation), Washington, Pennsylvania and Allegheny Ludlum Corporation, Houston, Texas. The notice was published in the **Federal Register** on January 11, 2001 (66 FR 2451).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers produce stainless steel, including slab, coil and plate as well as tool steel. New findings show that there was a previous certification, TA–W–34,026 and TA–W–34,026A, issued on January 14, 1998, for workers of the subject firm who were engaged in employment related to the production of stainless steel products. That certification expired January 14, 2000. To avoid an overlap in worker group coverage, the certification is being amended to change the impact date from August 30, 1999 to January 15, 2000, for workers of the subject firm.

The amended notice applicable to TA–W–38,083 is hereby issued as follows:

All workers of Allegheny Ludlum Corporation, Jessop Plant Mill, Jessop O&T and Washington Flat Roll (formerly Washington Steel Corporation), Washington, Pennsylvania and Houston, Pennsylvania who became totally or partially separated from employment on or after January 15, 2000 through December 19, 2002 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 31st day of January, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–3294 Filed 2–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,786 and 786A]

Andover Apparel Group, Incorporated, Pisgah, AL and New York, NY; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on August 1, 2000, applicable to workers of Andover Apparel Group, Incorporated, formerly Andover Togs, Incorporated, Pisgah, Alabama. The notice was published in the **Federal Register** on August 25, 2000 (65 FR 51848).

At the request of the petitioners, the Department reviewed the certification for workers of the subject firm. The company reports that worker separations occurred at the New York, New York location of Andover Apparel Group, Incorporated, formerly Andover Togs, Incorporated, when the company closed in June, 2000. The New York, New York location provided administrative functions including accounting, designing, sales, and purchasing for the subject firms' production facility located in Pisgah, Alabama. The workers produced children's apparel, primarily girls' tops and bottoms.

Based on these findings, the Department is amending the certification to include workers of Andover Apparel Group, Incorporated, formerly Andover Togs, Incorporated, New York, New York.

The intent of the Department's certification is to include all workers of Andover Apparel Group, Incorporated, formerly Andover Togs, Incorporated who were adversely affected by increased imports.

The amended notice applicable to TA–W–37,786 is hereby issued as follows:

All workers of Andover Apparel Group, Incorporated, formerly Andover Togs, Incorporated, Pisgah, Alabama (TA–W–37,786) and New York, New York (TA–W–37,786A) who became totally or partially separated from employment on or after June 2, 1999 through August 1, 2002 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 23rd day of January, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–3298 Filed 2–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,454]

CENTEC Roll Corp., Bethlehem, PA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on December 18, 2000, in response to a worker petition which was filed on behalf of workers at CENTEC Roll Corporation, Bethlehem, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of January, 2001.

Linda A. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–3304 Filed 2–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than February 19, 2001.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than February 19, 2001.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 9th day of January, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions Instituted on 01/09/01]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
38,507	Dresser Wayne Division (UAW)	Salisbury, MD	12/20/00	Fuel Dispenser Pumps.
38,508	VF Imagewear (Comp)	North Wilkesboro, NC	12/18/00	Jersey and Fleece Apparel.
38,509	Brown Packing Co., Inc. (Comp)	Little Rock, AR	12/29/00	Slaughter Hogs.
38,510	VF Imagewear (Comp)	Tampa, FL	12/18/00	Jersey and Fleece Apparel.
38,511	VF Imagewear/Red Kap (Comp)	Antlers, OK	12/19/00	Men's Work Clothing.
38,512	VF Imagewear/Red Kap (Comp)	Clarksville, TX	12/19/00	Men's Work Clothing.
38,513	Comodata, Inc. (Wrks)	Birmingham, AL	12/20/00	Data Entry.
38,514	NuTone, Inc. (Wrks)	Coppell, TX	12/21/00	Range Hoods.
38,515	Permanent Label (Wrks)	Clifton, NJ	12/14/00	Graphics on Bottles.
38,516	Owens-Brockway, Inc. (GMP)	Fulton, NY	12/01/00	Glass Bottles.
38,517	Cooper-Standard Auto. (Wrks)	Mio, MI	12/21/00	Tube Bending Machines.
38,518	Beltex Corp. (Wrks)	New Tazewell, TN	12/20/00	Men and Boys Underwear.
38,519	Kwikset Corp. (Comp)	Anaheim, CA	12/18/00	Finished Latches.
38,520	Auburn Steel Co., Inc. (Comp)	Lemont, IL	12/18/00	Concrete Reinforcement Bars.
38,521	Burnt River Forest Prod. (Wrks)	Unity, OR	12/22/00	Lumber.
38,522	Red Wing Products Inc. (Comp)	Brentwood, NY	12/14/00	Plastic Hangers.
38,523	Morris Materials Handling (USWA)	Oak Creek, WI	12/20/00	Overhead Cranes and Hoists.
38,524	Quaker Oats Co (BCTGM)	Shiremanstown, PA	12/20/00	Cereal.
38,525	O-Z/Gedney (Comp)	Pittston, PA	12/18/00	Electrical Fittings.
38,526	Victor Equipment Co. (Comp)	Abilene, TX	12/21/00	Welding Equipment.
38,527	Price Pfister (Wrks)	Pacoima, CA	12/12/00	Faucets.
38,528	Griffin Wheel Co (Wrks)	Bessemer, AL	12/21/00	Steel Railroad Wheels.
38,529	Ametek/Prestolite (Comp)	Decatur, AL	12/20/00	Motors and Switches.
38,530	Fletcher Corp. (Comp)	Alpena, MI	12/21/00	Free Sheet Printing Paper.

[FR Doc. 01–3303 Filed 2–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,535]

Melpack, Inc., Mullins, SC; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 16, 2001, in response to a worker petition which was filed on behalf of workers at Melpack, Inc., Mullins, South Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 16th day of January, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–3305 Filed 2–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–35,102 & 102A]

Mitchell Manufacturing Group (A Lamont Group Company); Clare, MI and Owosso Division, Owosso, MI; Amended Notice of Revised Determination on Reconsideration

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C 2273), on March 9, 1999, the Department of Labor issued a Notice of Revised Determination on Reconsideration, applicable to all workers of Mitchell Manufacturing Group, A Lamont Company, located in Clare, Michigan. The notice was published in the **Federal Register** on March 30, 1999 (64 FR 15172).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. Information provided by the State shows that worker separations occurred at the Lamont Group's sister plant, the Owosso Division, Owosso, Michigan. The workers provided support services to the Clare, Michigan plant, and were engaged in employment related to the production of automotive soft trim.

The intent of the Department's certification is to include all workers of Mitchell Manufacturing Group, A Lamont Group Company, adversely affected by increased imports. Therefore, the Department is amending the certification to cover workers at the subject firm in Owosso, Michigan, engaged in employment related to the production of automotive trim.

The amended notice applicable to TA–W–35,102 is hereby issued as follows:

All workers of Mitchell Manufacturing Group, A Lamont Group Company, Clare, Michigan, and workers of Mitchell Manufacturing Group, A Lamont Group Company, Owosso Division, Owosso, Michigan, engaged in employment related to the production of automotive trim, who became totally or partially separated from employment on or after October 2, 1997 through March 9, 2001, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 31st day of January, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–3296 Filed 2–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,411]

The Monet Group, Incorporated; East Providence, RI; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on March 28, 2000, applicable to workers of The Monet Group, Incorporated, East Providence, Rhode Island. The notice was published in the **Federal Register** on April 21, 2000 (65 FR 21473).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New findings show that some employees of The Monet Group, Incorporated, now known as Monet International, Incoporated, subsidiary of Liz Caliborne, Incorporated, East Providence, Rhode Island were leased from Pomerantz Staffing Alternatives, Providence, Rhode Island to produce fashion jewelry at the East Providence, Rhode Island facility. Information also shows that some workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax account for Pomerantz Staffing Alternatives.

Based on these findings, the Department is amending the certification include workers of Pomerantz Staffing Alternatives leased to The Monet Group, Incorporated, now known as Monet International, Incorporated, subsidiary of Liz Caliborne, Incorporated, East Providence, Rhode Island.

The amended notice applicable to TA–W–37,411 is hereby issued as follows:

''All workers of Monet Group, Incorporated, now known as Monet International, Incorporated, a subsidiary of Liz Caliborne, Incorporated, East Providence, Rhode Island (TA–W–37,411) and leased workers of Pomerantz Staffing Alternatives, Providence, Rhode Island who were engaged in employment related to the production of fashion jewelry for the Monet Group, Incorporated, now known as Monet International, Incorporated, a subsidiary of Liz Caliborne, Incorporated, East Providence, Rhode Island who became totally or partially separated from employment on or after May 5, 2000 through March 28, 2002 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 23rd day of January, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–3299 Filed 2–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than February 20, 2001.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than February 20, 2001.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 22nd day of January, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted on 01/22/2001]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
38,561	Oshkosh B'Gosh (Co.)	Byrdstown, TN	01/08/2001	Children's Apparel.
38,562	Babcock Borsig Power (IBM)	Erie, PA	12/30/2000	Boilers and Replacement Parts.
38,563	Benel Manufacturing (Co.)	Dunn, NC	01/08/2001	Apparel.
38,564	Outboard Marine—OMC (Wkrs)	Andrews, NC	01/05/2001	Outboard Motors.
38,565	Outboard Marine—OMC (Wkrs)	Waukegan, IL	01/05/2001	Outboard Motors.
38,566	Fechheimer Brothers Co. (Wkrs)	San Antonio, TX	01/01/2001	Uniforms for School Bands.
38,567	Perelli Tire North Americ (Co.)	Hanford, CA	01/09/2001	Passenger and Light Truck Tires.
38,568	Security Chain Co. (Wkrs)	Clackamas, OR	12/20/2000	Cabe Tire Chains.
38,569	EGS Electrical Group (USWA)	Terryville, CT	01/05/2001	Electrical Fittings.
38,570	Commerce Plastics—Manar (Wkrs)	Commerce, GA	12/21/2000	TV Cabinets.
38,571	Shorwood Packaging (Co.)	Cincinnati, OH	01/10/2001	Folding Cartons.
38,572	Outboard Marine—OMC (Wkrs)	Calhoun, GA	01/04/2001	Outboard Motors.
38,573	Mann Edge Tool (Co.)	Lewistown, PA	01/05/2001	Striking Tools.
38,574	Lowe Aluminum Boats (Co.)	Syracuse, IN	01/04/2001	Aluminum Boats and Pontoons.
38,575	Rossville Chromatex—Culp (UNITE)	West Hazelton, PA	01/08/2001	Upholstery Materials.
38,576	Northwest Alloys, Inc. (Wkrs)	Addy, WA	01/04/2001	Pure Metal Magnesium.
38,577	Linkbolt Construction (Wkrs)	Lexington, KY	01/10/2001	Escavators.
38,578	Berne Apparel Co. (Wkrs)	Hardinsburg, KY	01/05/2001	Work Clothing.

[FR Doc. 01–3301 Filed 2–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than February 20, 2001.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than February 20, 2001.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 16th day of January, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted on 01/16/2001]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
38,531	Owens-BriGam Medical Co (Comp)	Newland, NC	12/29/2000	Disposable Anesthesia Supplies.
38,532	UPG Portland (Comp)	Hillsboro, OR	12/20/2000	Telephone Handsets.
38,533	Spray Cotton Mills (Wrks)	Eden, NC	12/22/2000	Cotton Yarn.
38,534	Hedstrom Lumber Co (Wrks)	Two Harbors, MN	12/26/2000	Dimentional Lumber.
38,535	MelPack, Inc. (Comp)	Mullins, SC	12/27/2000	Corrugated Light Bulb Boxes.
38,536	Crawford Furniture Mfg (Wrks)	New Bethlehem, PA	12/27/2000	Bed Room, Dining Room Furniture.
38,537	Sharp Image Energy (Comp)	Big Spring, TX	01/05/2001	Oilfield Drilling.
38,538	Southern Oregon Log (WCIW)	Roseburg, OR	01/04/2001	Log—Scaling.
38,539	Imperial Spreckels Corp. (Wrks)	Tracy, CA	12/19/2000	Sugar—Granulated, Powdered.
38,540	New York Air Brake (IAMAW)	Watertown, NY	12/30/2000	Train Machined Components.
38,541	Ametek, US Gauge Div. (Comp)	Bartow, FL	12/21/2000	Compressed Gas Gauges.
38,542	Sweetheart Cup Co (Comp)	Springfield, MO	12/19/2000	Paper Cups.
38,543	Hercules, Inc. (Comp)	Parlin, NJ	01/02/2001	Nitrocellulose.
38,544	Bausch and Lomb (Comp)	Sarasota, FL	12/27/2000	Toric Contact Lenses.
38,545	Sappi Fine Paper NA (PACE)	Muskegon, MI	12/20/2000	Coated Paper.
38,546	Tower Electronics (Wrks)	Fridley, MN	12/21/2000	Custom Power Supplies.
38,547	Georgia-Pacific (IBT)	Grand Rapids, MI	01/05/2001	Gypsum Wall Board.
38,548	Timberland Logging (Comp)	Ashland, OR	12/19/2000	Lumber.
38,549	Louisiana Pacific Corp (Comp)	Oroville, CA	12/15/2000	Hardboard.
38,550	Pottstown Precision (UAW)	Stowe, PA	01/09/2001	Transmission Parts.
38,551	Nova Bus, Plant #3 (Wrks)	Roswell, NM	01/04/2001	Components—Transit Buses.
38,552	North Star Steel-Kentucky (USWA)	Calvert City, KY	12/29/2000	Steel Channels, Angles, Flats, Plates.
38,553	Ingersoll Milling Machine (Wrks)	Rockford, IL	12/18/2000	Engine Transfer Lines.
38,554	Lego Systems, Inc. (Comp)	Enfield, CT	01/04/2001	Legos.
38,555	Tee Jays (Wrks)	Florence, AL	01/03/2001	T-Shirts.
38,556	Con-Vey Keystone (USWA)	Roseburg, OR	01/02/2001	Material Handling Equipment.
38,557	Southern Webbing Mills (Wrks)	Greensboro, NC	12/27/2000	Elastic for Garments.
38,558	Clark Metal Products Co (UAW)	Marion, OH	12/19/2001	Metal Hardware.
38,559	Spreckels Sugar Co (UFCW)	Woodland, CA	01/02/2001	Sugar.
38,560	Bayer Corp (USWA)	Elkhart, IN	01/05/2001	Alka Seltzer and Alka Seltzer Plus.

[FR Doc. 01–3300 Filed 2–7–01; 8:45am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,593, 593A, 593B, 593C, 593D, 593E]

Pennzoil-Quaker State Company, Rouseville, PA; Oil City, PA; Reno, PA; Roosevelt, UT; Deerfield, OH; Rock Hill, SC; Notice of Negative Determination on Reconsideration

By application of August 8, 2000, the petitioner, requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on July 25, 2000 and published in the **Federal Register** on August 25, 2000 (65 FR 51848).

The Department initially denied TAA to workers of Pennzoil-Quaker State Company producing refined petroleum products because the ''contributed importantly'' group eligibility requirement of Section 222(3) of the Trade Act of 1974, as amended, was not met. The denial was based on criterion (3) not being met. Aggregate statistics and customer responses indicated that importation of refined petroleum products like and directly competitive with those produced by the subject firm were not major contributing factors to the layoffs at the subject plant.

The petitioners filing the application asserted the following:

(a) That the Rouseville refinery lost their ''tote'' business to eastern Canadian distribution centers.

(b) In the months preceding the sale of the Rouseville facility, a lot of the neutrals they blended into motor oils essentially came from Canada, Venezuela and South America, thereby eroding the company's competitiveness.

(c) Crude oil needs to be over $20 a barrel to be profitable for crude oil producers; the low price of crude was the reason for the layoffs at Pennzoil-Quaker State Company.

(d) The flooding of the world market with cheap was products by both the Chinese and Japanese added to the demise at the Rouseville facility.

On reconsideration, the Department requested that the Pennzoil-Quaker City State Company provide additional information concerning the factors addressed by the application.

Additional information provided by the company indicated that during April 2000, the Pennzoil-Quaker State Company sold a portion of the Rouseville refinery and earlier in the year the company discontinued operating the balance of the refinery. As a result of this sale/discontinuance of the refinery operations the Rouseville Packaging plant was discontinued and transferred to other domestic packaging plants. The workers in the ''tote'' business filled the totes with lubricants and shipped them to Canada. The empty totes would then be shipped back to the Rouseville to be refilled and the cycle would begin again. Sometime during 1997 and 1998 the Canadian customer that was receiving the totes began receiving the finished lubricant product via semi-truck. The customer then filled their own totes and retained them in Canada. The business of filling the totes is a service and therefore those workers could only be considered for eligibility if the workers producing the lubricants at the subject firm were certified eligible for TAA.

In response to factors (b) and (c) depicted above, neutrals and crude oil are raw materials in the refinery process

and even if they were imported, do not meet criteria (3) for eligibility. The product imported must be a product that is produced at the subject firm to be considered for import impact.

The flooding of world markets with cheap wax is not a factor in the layoff at the subject plant. Waxes accounted for only a small percentage of output at the plant. Wax sales and production at the subject plant increased up to the sale of the wax operation, therefore imports were not an important contributing factor to the layoffs at the subject plant.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Pennzoil-Quaker State Company, Rouseville, Oil City, and Reno, Pennsylvania, Roosevelt, Utah, Deerfield, Ohio, and Rock Hill, South Carolina.

Signed at Washington, D.C., this 25th day of January 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–3297 Filed 2–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–35,361]

The Trane Company, Tyler, TX; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 19, 1999, applicable to workers of The Trane Company, a division of American Standard, Incorporated, Tyler, Texas. The notice was published in the **Federal Register** on January 29, 1999 (64 FR 4712).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information shows that some employees of The Trane Company, a division of American Standard, Incorporated, Tyler, Texas were leased from Remedy Intelligent Staffing, Incorporated, Tyler, Texas to produce single cylinder reciprocating compressors for air conditioning units at the Tyler, Texas facility. Information also show that workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax account for Remedy Intelligent Staffing, Incorporated.

Based on these findings, the Department is amending the certification to include workers at Remedy Intelligent Staffing, Incorporated, Tyler, Texas leased to The Trane Company, a division of American Standard, Incorporated, Tyler, Texas.

The amended notice applicable to TA–W–35,361 is hereby issued as follows:

All workers at The Trane Company, a division of American Standard, Incorporated, Tyler, Texas and leased workers of Remedy Intelligent Staffing, Incorporated, Tyler, Texas who were engaged in employment related to the production of single cylinder reciprocating compressors for air conditioning units for The Trane Company, a division of American Standard, Incorporated, Tyler, Texas who became totally or partially separated from employment on or after December 1, 1997 through January 19, 2001 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 17th day of January 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–3292 Filed 2–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–4353]

Centec Roll Corp., Bethlehem, PA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 4, 2000, in response to a worker petition which was filed on behalf of workers at Centec Roll Corporation, Bethlehem, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 10th day of January, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–3288 Filed 2–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–4393]

Eel River Sawmills, Inc., Fortuna, CA; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance (NAFTA–TAA), an investigation was initiated on December 14, 2000 in response to a petition which was filed by the company on behalf of workers at Eel River Sawmills, Inc., Fortuna, California.

The company has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 5th day of January, 2001.

Linda Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–3289 Filed 2–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–4259]

Facemate Corp., Somersworth, NH; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called NAFTA–TAA and in accordance with section 250(a), subchapter D, chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2331), an investigation was initiated on October 24, 2000, in response to a petition filed on behalf of workers at Facemate Corporation, Somersworth, New Hampshire. Workers produce cotton flannel cloth.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 12th day of January, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–3307 Filed 2–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–4307]

Lightnin SPX Corp., Wytheville, VA; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called NAFTA–TAA and in accordance with section 250(a), subchapter D, chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2331), an investigation was initiated on November 15, 2000, in response to a petition filed on behalf of workers at Lightnin, SPX Corporation, Wytheville, Virginia. Workers produce industrial mixing equipment.

The petitioner has stated that they no longer wish to pursue the petition for the Wytheville facility and wish to withdraw the petition. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 12th day of January, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–3306 Filed 2–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–4430]

Melpack, Inc., Mullins, SC; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called NAFTA–TAA and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C 2331), an investigation was initiated on January 4, 2001, in response to a worker petition which was filed on behalf of workers at Melpack, Inc., Mullins, South Carolina.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 12 day of January, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–3293 Filed 2–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–2669–2669A]

Mitchell Manufacturing Group, a Lamont Group Company; Clare and Owosso, MI; Amended Notice of Revised Determination on Reconsideration

In accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), on March 9, 1999, the Department of Labor issued a Notice of Revised Determination on Reconsideration, applicable to all workers of Mitchell Manufacturing Group, A Lamont Company, located in Clare, Michigan. The notice was published in the **Federal Register** on March 30, 1999 (64 FR 15172).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. Information provided by the State shows that worker separations occurred at the Lamont Group's sister plant, the Owosso Division, Owosso, Michigan. The workers provided support services to the Clare, Michigan plant, and were engaged in employment related to the production of automotive soft trim.

The intent of the Department's certification is to include all workers of Mitchell Manufacturing Group, A Lamont Group Company, adversely affected by increased imports from Mexico. Therefore, the Department is amending the certification to cover workers at the subject firm in Owosso, Michigan, engaged in employment related to the production of automotive trim.

The amended notice applicable to NAFTA–2669 is hereby issued as follows:

All workers of Mitchell Manufacturing Group, A Lamont Group Company, Clare, Michigan, and workers of Mitchell Manufacturing Group, A Lamont Group Company, Owosso Division, Owosso, Michigan, engaged in employment related to the production of automotive trim, who became totally or partially separated from employment on or after October 2, 1997 through March 9, 2001, are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.

Signed at Washington, DC this 31st day of January 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–3295 Filed 2–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–4411]

O–Z/Gedney, Pittston, PA; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II of the Trade Act of 1974, as amended (19 U.S.C. 2331), an investigation was initiated on December 27, 2000, in response to a worker petition which was filed by a company official on behalf of workers at O–Z/Gedney, Pittston, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 9th day of January, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–3290 Filed 2–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for NAFTA Transitional Adjustment Assistance

Petitions for transitional adjustment assistance under the North American Free Trade Agreement-Transitional Adjustment Assistance Implementation Act (Pub. L. 103–182), hereinafter called (NAFTA–TAA), have been filed with State Governors under section 250 (b)(1) of subchapter D, chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA–TAA petition has been received, the Director of the Division of Trade Adjustment Assistance (DTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the

petition and takes action pursuant to paragraphs (c) and (e) of section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment on or after December 8, 1993 (date of enactment of Pub. L. 103–182) are eligible to apply for NAFTA–TAA under Subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Director of DTAA at the U.S. Department of Labor (DOL) in Washington, DC provided such request if filed in writing with the Director of DTAA not later than February 19, 2001.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the Director of DTAA at the address shown below not later than February 19, 2001.

Petitions filed with the Governors are available for inspection at the Office of the Director, DTAA, ETA, DOL, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 31st day of January, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX

Subject firm	Location	Date received at Governor's office	Petition No.	Articles produced
Ralph Daniel Sterns (Co.)	Siskiyou, CA	12/18/2000	NAFTA–4,397	Sugar.
Imperial Holly Spreckels Sugar (Wkrs).	Tracy, CA	12/14/2000	NAFTA–4,398	Sugar.
Tyco Electronics (Wkrs)	Irvine, CA	12/18/2000	NAFTA–4,399	Connectors, cable assembly.
Respiratory Support Products (Wkrs).	Irvine, CA	11/02/2000	NAFTA–4,400	Disposable medical products.
Labatt USA (Wkrs)	Latrobe, PA	12/21/2000	NAFTA–4,401	Beer.
United Plastic Group Portland (Co.)	Hillsboro, OR	12/22/2000	NAFTA–4,402	Telephone handsets.
Gynecare (Co.)	Menlo Park, CA	12/28/2000	NAFTA–4,403	Balloon therapy.
Hedstrom Lumber (Wkrs)	Two Harbors, MN	12/28/2000	NAFTA–4,404	Lumber.
VF Imagewear (Wkrs)	Martinsville, VA	12/20/2000	NAFTA–4,405	Knit fleece and jersey products.
Sappi Fine Paper (PACE)	Muskegon, MI	12/27/2000	NAFTA–4,406	Paper.
Morris Material Handling (Wkrs)	Milwaukee, WI	12/26/2000	NAFTA–4,407	Overhead cranes and hoists.
Clark Metal Products (UAW)	Marion, OH	12/26/2000	NAFTA–4,408	Door latches.
Burnt River Forest Products (Wkrs)	Unity, OR	12/26/2000	NAFTA–4,409	Fence post.
Kwikset (Co.)	Anaheim, CA	12/26/2000	NAFTA–4,410	Residential door hardware.
O-Z Gedney (Co.)	Pittston, PA	12/27/2000	NAFTA–4,411	Electrical fittings.
VF Imagewear (Co.)	North Wilkesboro, NC	12/29/2000	NAFTA–4,412	Tee-Shirts and Sweatshirts.
Quaker Oats ( )	Shiremanstown, PA	12/27/2000	NAFTA–4,413	Cereal.
Commerce Plastics Manar, Inc (Wrks).	Commerce, GA	12/27/2000	NAFTA–4,414	Television Components.
Brown Packing Co., Inc (Co.)	Little Rock, AR	01/02/2001	NAFTA–4,415	Slaughter of Hogs.
Fruit of The Loom (Co.)	Osceola, AR	12/29/2000	NAFTA–4,416	Active and casual wear.
VF Imagewear, Inc. (Co.)	Antlers, OK	12/20/2000	NAFTA–4,417	Men's work Clothing.
Owens-Brockway, Inc. ( )	Fulton, NY	12/28/2000	NAFTA–4,418	Glass Bottles.
TI Automotive Group (Wrks)	New Havenq, MI	01/03/2001	NAFTA–4,419	Automotive Parts.
Jefferson Apparel (Co.)	Jefferson, NC	01/02/2001	NAFTA–4,420	Apparel.
HYD-Mech (Co.)	Pueblo, CO	01/03/2001	NAFTA–4,421	Bandsaw Cutting Machines.
VF Imagewear (Co.)	Tampa, FL	01/02/2001	NAFTA–4,422	Embroidery and Screenprint.
Tensolite Interconnect Systems (C0.).	Essex Jct., VT	12/29/2000	NAFTA–4,423	Cable assemblies.
Robert Bosch (UAW)	Hendersonville, TN	01/03/2001	NAFTA–4,424	Motors—automotive air conditioning.
New York Air Brake	Watertown, NY	01/04/2001	NAFTA–4,425	Locomotive Braking Equipment.
Southern Oregon Log Scaling	Roseburg, OR	01/03/2001	NAFTA–4,426	Log Sealing.
Fletcher Corp	Alpena, MI	01/05/2001	NAFTA–4,427	Uncoated Sheet Printing Papers.
Con-Vey Keystone, Inc	Roseburg, OR	01/04/2001	NAFTA–4,428	Equipment of Lumber Industry.
Benetti, Inc. (Co.)	Rock Hill, SC	01/04/2001	NAFTA–4,429	Knit Fabric.
MelPack (Co.)	Mullins, SC	01/04/2001	NAFTA–4,430	Light bulb packaging.
Owens-BriGram Medical	Newland, NC	01/04/2001	NAFTA–4,431	Anesthesia Products.
Georgia-Pacific Corp	Grand Rapids, MI	01/08/2001	NAFTA–4,432	Gypsum Wall Board.
VF Imagewear (Co.)	Clarksville, TX	01/08/2001	NAFTA–4,433	Men's Work Shirts.
Precise Cutting, Marking & Grading (Co.).	Los Angeles, CA	01/08/2001	NAFTA–4,434	Garmet Cutting.
Bayer Corp	Elkhart, IN	01/08/2001	NAFTA–4,435	Alka-Seltzer and Alka-Seltzer Plus.
Babcock Borsig Power (IBM)	Erie, PA	01/05/2001	NAFTA–4,436	Water wall panels.
Bianca Sportswear (Wkrs)	N. Lindenhurst, NY	01/09/2001	NAFTA–4,437	Ladies' pants.
Price Pfister (Wkrs)	Pacoina, CA	12/27/2000	NAFTA–4,438	Faucets.
Outboard Marine—OMC (Wkrs)	Andrews, NC	01/10/2001	NAFTA–4,439	Gear Cases for motors.
OMC—P and A (Wkrs)	Beloit, WI	01/11/2001	NAFTA–4,440	Sporting and recreational goods.
Georgia Pacific (PACE)	Baileyville, ME	01/03/2001	NAFTA–4,441	Softwood lumber.
Oshkosh B'Gosh (Co.)	Byrdstown, TN	01/09/2001	NAFTA–4,442	Children's apparel.
Berne Apparel (Wkrs)	Hardinsburg, KY	01/09/2001	NAFTA–4,443	Work clothing.
Outboard Marine—OMC (Wkrs)	Waukegan, IL	01/11/2001	NAFTA–4,444	Outboard motors.
Burlington (Wkrs)	Monticello, AR	01/10/2001	NAFTA–4,445	Rugs.
Borg Warner Automative (Wkrs)	Blytherville, AR	01/11/2001	NAFTA–4,446	Automotive parts.
Commonwealth Aluminum (USWA)	Lewisport, KY	01/17/2001	NAFTA–4,447	Aluminum coils.
NACCO Materials Handling Group (Wkrs).	Danville, IL	01/17/2001	NAFTA–4,448	Forklifts.
Fox Distribution (Wkrs)	Laurel, MI	01/17/2001	NAFTA–4,449	Finger joint.
Magnetic Data Technologies (Wkrs)	Eden Praine, MN	01/18/2001	NAFTA–4,450	Tape drives.
Titanium Sports Technologies (Co.)	Kennewick, WA	01/18/2001	NAFTA–4,451	Bicycle frames.
Millennium Plastic Technologies (Co.).	El Paso, TX	01/18/2001	NAFTA–4,452	Plastic automotive parts.
Sacramento Bag (Co.)	Sacramento, CA	01/17/2001	NAFTA–4,453	Burlap onion bags.
Innovative Home Products (UAW)	Birmingham, MI	01/18/2001	NAFTA–4,454	Iron and steel.
Sunlite Casual Furniture (Co.)	Paragould, AR	01/18/2001	NAFTA–4,455	Furniture.
Exide Technologies (IBEW)	Leavenworth, KY	01/17/2001	NAFTA–4,456	Batteries.
Ametek—Prestolite (Co.)	Decautur, AL	01/19/2001	NAFTA–4,457	dc motors.
Leach International (Co.)	Buena Park, CA	01/18/2001	NAFTA–4,458	Electro mechanical relay.

APPENDIX—Continued

Subject firm	Location	Date received at Governor's office	Petition No.	Articles produced
Pirelli (USWA)	Hanford, CA	01/18/2001	NAFTA–4,459	Tires.
National Starch & Chemical (IBM)	Meredosia, IL	01/18/2001	NAFTA–4,460	Solvent adhesives.
Arka Knitwear (Co.)	Ridgewood, NY	01/19/2001	NAFTA–4,461	Knitted sweaters.
Dresser Wayne—Halliburton (UAW)	Salisbury, MD	01/16/2001	NAFTA–4,462	Building gasoline dispensers.
American Standard (GMPPA)	Piscataway, NJ	01/16/2001	NAFTA–4,463	Sanitary wares.
OEM/ERIE Westland (UAW)	Westland, MI	01/19/2001	NAFTA–4,464	Automotive parts.
Vision Legwear (Co.)	Spruce Pine, NC	01/19/2001	NAFTA–4,465	Ladies sheer hosiery.
Clevenger Sox (Co.)	Black Mountain, NC	01/19/2001	NAFTA–4,466	Socks.
Benel Manufacturing (Co.)	Dunn, NC	01/19/2001	NAFTA–4,467	Clothing.
OBG Manufacturing—Oshkosh (UFCW).	Liberty, KY	01/17/2001	NAFTA–4,468	Children's clothing.
Nova Bus (Wkrs)	Roswell, NM	01/18/2001	NAFTA–4,469	Bus parts.
Delbar Products (IAMAW)	Perkasie, PA	01/19/2001	NAFTA–4,470	Car mirrors.
Texprint (Co.)	Macon, GA	01/22/2001	NAFTA–4,471	Textile fabric.
Portola Packaging (Wkrs)	New Castle, PA	01/19/2001	NAFTA–4,472	Plastic closures.
Ingersoll Milling Machine (Wkrs)	Rockford, IL	01/19/2001	NAFTA–4,473	Engine transfer lines.
Schumacher Electric (Co.)	Rensselaer, IN	01/19/2001	NAFTA–4,474	Transformer coils, solenoid coils.
VF Imagewear (Co.)	Russellville, KY	01/23/2001	NAFTA–4,475	Industrial work pants.
Horix Manufacturing (USWA)	McKees Rocks, PA	01/22/2001	NAFTA–4,476	Rotary filling machines.
North Douglas Wood Products (Wkrs).	Drain, OR	01/23/2001	NAFTA–4,477	Solid hardwood panels.
Brenner Tank (Co.)	Hauston, WI	01/24/2001	NAFTA–4,478	Stainless and carbon steel tank.
Budge Industries (Wkrs)	Telford, PA	01/25/2001	NAFTA–4,479	Car covers.
Applied Molded Products (UBC)	Watertown, WI	01/23/2001	NAFTA–4,480	Fiberglass.
Spectrum Dyed Yarns (Co.)	Belmont, NC	01/25/2001	NAFTA–4,481	Dyed yarns.
Master Pattern (Wkrs)	Norton Shores, MI	01/24/2001	NAFTA–4,482	Molding equipment.
Vilter Manufacturing (Wkrs)	Cudahn, WI	01/24/2001	NAFTA–4,483	Pressure vessels.
Hayes Lemmerz (Wkrs)	Homer, MI	01/24/2001	NAFTA–4,484	Automotive drums & rotors.
SPX Corporation (Wkrs)	Jackson, MI	01/24/2001	NAFTA–4,485	Automotive speciality & service tools.
Owens and Hurst Lumber (Co.)	Eureka, MT	01/23/2001	NAFTA–4,486	Pine boards.
Southdown (Wkrs)	Wampum, PA	01/22/2001	NAFTA–4,487	Cement products.
Crown Hosiery (Co.)	Hickory, NC	01/29/2001	NAFTA–4,488	Hoisery.
3 day Blinds (Wkrs)	Anaheim, CA	01/29/2001	NAFTA–4,489	Mini blinds.
Burns Philp Food—Fleischmann's Yeast (Co.).	Gastonia, NC	01/30/2001	NAFTA–4,490	Yeast.

[FR Doc. 01–3302 Filed 2–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–02789]

The Trane Company; Tyler, TX; Amended Certification Regarding Eligibility To Apply for NAFTA-Transitional Adjustment Assistance

In accordance with Section 250(A), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974 (19 U.S.C. 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on January 19, 1999, applicable to workers of The Trane Company, a division of American Standard, Incorporated, Tyler, Texas. The notice was published in the **Federal Register** on January 29, 1999 (64 FR 4713).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information shows that some employees of The Trane Company, a division of American Standard, Incorporated, Tyler, Texas were leased from Remedy Intelligent Staffing, Incorporated, Tyler, Texas to produce single cylinder reciprocating compressors for air conditioning units at the Tyler, Texas facility. Information also shows that workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax account for Remedy Intelligent Staffing, Incorporated.

Based on these findings, the Department is amending the certification to include workers of Remedy Intelligent Staffing, Incorporated, Tyler, Texas leased to The Trane Company, a division of American Standard, Incorporated, Tyler, Texas.

The intent of the Department's certification is to include all workers of The Trane Company, a division of American Standard, Incorporated who were adversely affected by a shift of production to Mexico.

The amended notice applicable to NAFTA–02789 is hereby issued as follows:

''All workers of The Trane Company, a division of American Standard, Incorporated, Tyler, Texas and leased workers of Remedy Intelligent Staffing, Incorporated, Tyler, Texas who were engaged in employment related to the production of single cylinder reciprocating compressors for air conditioning units for The Trane Company, a division of American Standard, Incorporated, Tyler, Texas who became totally or partially separated from employment on or after December 1, 1997 through January 19, 2001 are eligible to apply for NAFTA-TAA under Section 250 of the Trade Act of 1974.''

Signed at Washington, DC this 17th day of January, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–3286 Filed 2–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–04199]

United States Sugar Corporation, Clewiston, FL; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called (NAFTA–TAA), and in accordance with section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on September 19, 2000, in response to a petition filed on behalf of workers at United States Sugar Corporation, Clewiston, Florida.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C., this 5th day of January 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–3291 Filed 2–7–01; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL COUNCIL ON DISABILITY

Advisory Committee Meeting

AGENCY: National Council of Disability (NCD).

SUMMARY: This notice sets forth the schedule of the forthcoming meeting, in teleconference format, for NCD's Youth Advisory Committee. Notice of this meeting is required under section 10(a)(1)(2) of the Federal Advisory Committee Act (Pub. L. 92–463).

Youth Advisory Committee: The purpose of NCD's Youth Advisory Committee is to provide input into NCD activities consistent with the values and goals of the Americans with Disabilities Act.

DATES: March 14, 2001, 4 p.m.–5 p.m. EST.

Location: 1331 F Street, NW., Suite 1050, Washington, DC.

For Youth Advisory Committee Information, Contact: Gerrie Drake Hawkins, Ph.D., Program Specialist, National Council on Disability, 1331 F Street NW., Suite 1050, Washington, DC 20004; 202–272–2004 (voice), 202–272–2074 (TTY), 202–727–2022 (fax), ghawkins@ncd.gov (e-mail).

Agency Mission: The National Council on Disability is an independent federal agency composed of 15 members appointed by the President of the United States and confirmed by the U.S. Senate. Its overall purpose is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all people with disabilities, regardless of the nature of severity of the disability; and to empower people with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

This committee is necessary to provide advice and recommendations to NCD on disability issues.

We currently have a membership reflecting our nation's diversity and representing a variety of disabling conditions from across the United States.

Open Meeting: This advisory committee meeting, in teleconference format, of the National Council of Disability will be open to the public. However, due to fiscal constraints and staff limitations, a limited number of additional lines will be available. Those interested to joining the meeting should contact the appropriate staff member listed above. Space is limited.

Records will be kept of all Youth Advisory Committee meetings calls and will be available after the meeting for public inspection at the National Council on Disability.

Signed in Washington, DC, on February 2, 2001.

Ethel D. Briggs,

Executive Director.

[FR Doc. 01–3216 Filed 2–7–01; 8:45 am]

BILLING CODE 6820–MA–M

NATIONAL WOMEN'S BUSINESS COUNCIL

Sunshine Act Notice; Meeting

AGENCY: National Women's business council.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Women's Business Ownership Act, Public Law 105–135 as amended, the National Women's Business Council (NWBC) announces a forthcoming Council meeting and joint meeting of the NWBC and Interagency Committee on Women's Business Enterprise. The meetings will cover action items worked on by the National Women's Business Council and the Interagency Committee on Women's Business Enterprise included by not limited to procurement, access to capital and training.

DATES: February 14, 2001.

ADDRESSES: *Council Meeting.* The Monarch Hotel, 2401 M Street, NW (24th & M Streets), Washington, DC, 9 a.m. to 12 p.m.

STATUS: Open to the public.

CONTACT: National Women's Business Council, 409 Third Street, SW, Suite 210, Washington, DC 20024, (202) 205–3850—Gilda Presley.

Note: Please call by February 12, 2001.

Gilda Presley,

Administrative Officer, National Women's Business Council.

[FR Doc. 01–3343 Filed 2–5–01; 4:43 pm]

BILLING CODE 6820–AB–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Railroad Retirement Act Continuing Entitlement.

(2) *Form(s) submitted:* AA–5, G–478, RB–5.

(3) *OMB Number:* 3220–0052.

(4) *Expiration date of current OMB clearance:* 3/30/2001.

(5) *Type of request:* Revision of a currently approved collection.

(6) *Respondents:* Individuals or Households, Business or other for-profit.

(7) *Estimated annual number of respondents:* 20,300.

(8) *Total annual responses:* 20,300.

(9) *Total annual reporting hours:* 16,350

(10) *Collection description:* Section 2 of the Railroad Retirement Act (RRA) provides for payment of annuities to retired or disabled railroad employees, their spouses and eligible survivors. The collection provides the Railroad Retirement Board with information needed to administer and monitor their continued entitlement to benefits under the RRA after an initial award is made.

Additional Information or Comments

Copies of the forms and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush

Street, Chicago, Illinois 60611–2092 and the OMB reviewer, Joe Lackey (202–395–7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 01–3329 Filed 2–7–01; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rules 8b–1 to 8b–32, SEC File No. 270–135, OMB Control No. 3235–0176

Rule 206(3)–2, SEC File No. 270–216, OMB Control No. 3235–0243

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is publishing the following summary of collections for public comment. The Commission plans to submit these existing collections of information to the Office of Management and Budget for extension and approval.

Rules 8b–1 to 8b–32 under the Investment Company Act of 1940 (the ''Act'') are the procedural rules an investment company must follow when preparing and filing a registration statement. These rules were adopted to standardize the mechanics of registration under the Act and to provide more specific guidance for persons registering under the Act than the information contained in the statute. For the most part, these procedural rules do not require the disclosure of information. Two of the rules, however, require limited disclosure of information.[1] The information required is necessary to ensure that investors have clear and complete information upon which to base an investment decision. The Commission uses the information that investment companies provide on registration statements in its regulatory, disclosure review, inspection and policy-making roles. The respondents to the collection of information are investment companies filing registration statements under the Act.

The Commission does not estimate separately the total annual reporting and recordkeeping burden associated with Rules 8b–1 to 8b–32 because the burden associated with these rules are included in the burden estimates the Commission submits for the investment company registration statement forms (*e.g.,* Form N– 1A, Form N–2, Form N–3, and Form N–4). For example, a mutual fund that prepares a registration statement on Form N–1A must comply with the rules under Section 8(b), including rules on riders, amendments, the form of the registration statement, and the number of copies to be submitted. Because the fund only incurs a burden from the Section 8(b) rules when preparing a registration statement, it would be impractical to measure the compliance burden of these rules separately. The Commission believes that including the burden of the Section 8(b) rules with the burden estimates for the investment company registration statement forms provides a more accurate and complete estimate of the total burdens associated with the registration process.

Rule 206(3)–2 permits investment advisers to comply with Section 206(3) of the Investment Advisers Act of 1940 (''Advisers Act'') by obtaining a blanket consent from a client to enter into agency cross transactions, provided that certain disclosures are made to the client. The information requirements of the rule consist of the following: (1) Prior to obtaining the client's consent appropriate disclosure must be made to the client as to the practice of, and the conflicts of interest involved in, agency cross transactions; (2) at or before the completion of any such transaction the client must be furnished with a written confirmation containing specified information and offering to furnish upon request certain additional information; and (3) at least annually, the client must be furnished with a written statement or summary as to the total number of transactions during the period covered by the consent and the total amount of commissions received by the adviser or its affiliated broker-dealer attributable to such transactions.

The Commission uses the information required by Rule 206(3)–2 in connection with its investment adviser inspection program to ensure that advisers are in compliance with the rule. Adviser clients also use the information to monitor agency cross transactions. Without the information collected under the rule, the Commission would be less efficient and effective in its inspection program and clients would not have information valuable for monitoring the adviser's handling of their accounts.

The Commission estimates that approximately 785 respondents use the rule annually, necessitating about 32 responses per respondent each year, for a total of 25,120 responses. Each response requires about .5 hours, for a total of 12,560 hours.

The estimated average burden hours are made solely for the purposes of the PRA and are not derived from a comprehensive or even representative survey or study of the cost of Commission rules and forms.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

Dated: February 1, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–3236 Filed 2–7–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43919; File No. SR–ISE–01–01]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the International Securities Exchange LLC, Relating to Payment for Order Flow

February 1, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2]

[1] Rule 8b–3 provides that whenever a registration form requires the title of securities to be stated, the registrant must indicate the type and general character of the securities to be issued. Rule 8b–22 provides that if the existence of control is open to reasonable doubt, the registrant may disclaim the existence of control, but it must state the material facts pertinent to the possible existence of control.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

notice is hereby given that on January 12, 2001, the International Securities Exchange LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to establish a marketing fee to fund its payment-for-order-flow program. The fee will be $.75 per contract on all Primary Market Maker (''PMM'') and Competitive Market Maker (''CMM'') executions against customer orders.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the ISE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to provide a source of funding for the Exchange's payment-for-order-flow program, recently approved by the Commission.[3] The fee will be $.75 per contract on all PMM and CMM executions against customer orders.

2. Statutory Basis

The basis under the Act for the proposed rule change is the requirement under Section 6(b)(4)[4] that an exchange have an equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change, which establishes or changes a due, fee, or other charge applicable to members of the Exchange, has become effective pursuant to Section 19(b)(3)(A)[5] of the Act and subparagraph (f)(2) of Rule 19b–4 thereunder.[6] At any time within 60 days of the filing of the rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the ISE. All submissions should refer to File No. SR–01–01, and should be submitted by March 1, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–3237 Filed 2–7–01; 8:45 am]

BILLING CODE 8010–01–M

[3] *See* Securities Exchange Act Release No. 43833 (January 10, 2001), 66 FR 7822 (January 25, 2001).

[4] 15 U.S.C. 78f(b)(4).

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(2).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43920; File No. SR–ISE–01–03]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the International Securities Exchange LLC, Relating to Market Maker Block Transactions

February 2, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 12, 2001, the International Securities Exchange LLC (''Exchange'' or ''ISE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, and II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend its Rules 716(c) and 805(a) to permit market makers to enter block-size orders into the Block Order Mechanism. The text of the proposed rule change is set forth below. Additions are italicized and deletions are bracketed.

* * * * *

Rule 716. Block Trades

* * * * *

(c) Block Order Mechanism. The Block Order Mechanism is a process by which [an Electronic Access Member] *a Member* can obtain liquidity for the execution of block-size orders.

* * * * *

Rule 805. Market Maker Orders

(a) Options Classes to Which Appointed. Market makers may not place principal orders to buy or sell options in the options classes to which

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

they are appointed under Rule 802, other than immediate-or-cancel orders *and block-size orders executed through the Block Order Mechanism pursuant to Rule 715(c).* Competitive Market Makers shall comply with the provisions of Rule 804(e)(2)(ii) upon the entry of such orders if they were not previously quoting in the series.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the ISE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange's Block Order Mechanism permits Electronic Access Members to solicit trading interest for orders of 50 contracts or more. Because market makers do not handle agency orders, the Exchange did not anticipate that they would need a block mechanism. Thus, the Exchange initially limited the Block Order Mechanism to Electronic Access Members. Experience indicates that market makers would find the Block Order Mechanism useful to hedge or liquidate positions resulting from their market making activities on the Exchange.

The ISE provides automatic executions for orders placed by market makers on the Exchange. The ISE trading system enables ISE market makers to individually enter quotations with an associated size representing the number of contracts for which each market maker is firm for Public Customer orders. The trading system also permits ISE market makers to specify how much of this size is available for automatic execution by non-customer orders and other ISE market makers. Because ISE market makers may be reluctant to be exposed to automatic executions from other market makers, the size available for market makers may be substantially lower than that available for Public Customers. Indeed, no other options exchange provides market makers the opportunity to receive automatic execution of their orders; and conversely, no other options exchange requires that its market makers be exposed to automatic executions by other market makers.

The ISE believes that permitting market makers to utilize the Block Order Mechanism will give the trading crowd an opportunity to determine whether they are willing to provide more liquidity to large market maker orders than would be available if the market maker entered a large-size order for automatic execution against existing quotes. Market makers on the floors of the other options exchanges currently are able to trade with each other in this manner.

The Exchange thus proposes to amend Rule 716(c) (Block Order Mechanism) and Rule 805(a) (Market Maker Orders) to extend the Block Order Mechanism to ISE market makers. The Block Order Mechanism permits a participant to solicit trading interest from crowd participants via a text message in a manner that replicates requests for markets in a floor-based trading crowd. Crowd participants receive the message indicating interest to trade in large-size and are given 30 seconds to respond. It is necessary for the Exchange to set a response period only because the communications are made electronically rather than face-to-face as on a floor. In the case of a floor-based crowd, there will be some amount of time between the announcement of the trading interest by the floor broker and the response by the market makers, but there is no need to define a time limit because the market makers are able to communicate directly.

The ISE states that when requests for markets are made on a trading floor, they are not considered the same as bids or offers that are required to be displayed in the exchange's disseminated quotation by Rule 11Ac1–1 under the Act,[3] as they require an immediate response which may or may not be accepted. On a floor, if the response from the crowd is not sufficient, the broker walks away and the interest is withdrawn. Similarly, when interest is communicated electronically through the ISE's Block Order Mechanism, there is no obligation to execute during the response period, and the indication may be withdrawn anytime during the 30 seconds. If the response from the crowd is not sufficient at the end of the response period, the interest is automatically withdrawn from the system.

It is only after the 30 seconds that an interest entered into the Block Order Mechanism will be executed in whole or in part according to the algorithm contained in 716(c). Again, if no execution takes place, the interest is automatically canceled from the system. In other words, there is no standing limit order in the trading system and there is no ability for any person to execute against the interest during the exposure period.[4]

Permitting ISE market makers to enter trading interest into the Block Order Mechanism is no different from allowing market makers on the floor of the other options exchanges to announce trading interest to the crowd. In fact, an ISE market maker can use a floor broker to assess the liquidity in trading crowds on the other options exchange, but currently has no mechanism to accomplish the same objective on the ISE. This situation places the ISE at a competitive disadvantage, as this trading interest is executed on other exchanges purely because participants communicate directly rather than electronically.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[5] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest. In particular, to the extent that ISE market makers can seek liquidity for large size orders on other options exchanges but currently are unable to do so on the ISE, the proposed rule change will remove a substantial impediment to and perfect the mechanism for a free and open market on the ISE.

[3] *See* 17 CFR 240.11ac1–1(b).

[4] The Exchange states that while a recent amendment to Exchange Act Rule 11Ac1–1, making it applicable to the trading of options, is not yet effective, use of the Block Order Mechanism will be consistent with the requirements of the Rule. *See* Securities Exchange Act Release No. 43591 (November 17, 2000), 65 FR 75439 (December 1, 2000). The Exchange states in particular that the Block Order Mechanism does not come within the definition of an ''electronic communications network'' contained in paragraph (a)(8) of Rule 11Ac1–1, and thus indications of interest entered into the Block Order Mechanism would not be subject to the requirements of paragraph (c)(5) of the Rule.

[5] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

This proposed rule change will remove a burden on competition in that it provides a mechanism for ISE market makers to announce indications of interest where currently they only have such capability on other options exchanges. Restricting ISE market makers' ability to seek liquidity for large-size trading interest when they are able to do so on other options exchanges is a substantial burden on competition as it reduces the likelihood that such orders will be executed on the Exchange. It is not necessary or appropriate in furtherance of the purposes of the Act to competitively disadvantage the ISE on the basis that its members communicate electronically rather than in person.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal offices of the ISE. All submissions should refer to File No. SR–ISE–01–03 and should be submitted by March 1, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–3267 Filed 2–7–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43914; File No. SR–NASD–00–78]

Self Regulatory Organizations; Notice of Filing of a Proposed Rule Change by the National Association of Securities Dealers, Inc. Amending the Nasdaq By-Laws

January 31, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 22, 2001, the National Association of Securities Dealers, Inc. (''NASD'') through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq is proposing to amend its By-Laws regarding the balancing requirements on the Nasdaq Board of Directors (''the Board'') and the composition and operation of certain Nasdaq committees. Nasdaq also seeks to make certain changes to conform to the General Corporation Law of the State of Delaware (''Delaware law''). Proposed new language is in italics; proposed deletions are in brackets.

By-Laws of the NASDAQ Stock Market, Inc.

Article I

Definitions

* * * * *

(j) ''Industry Director'' or ''Industry member'' means a Director (excluding [the President or the Chief Executive Officer] *any two officers of Nasdaq, selected at the sole discretion of the Board, amongst those officers who may be serving as Directors (the ''Staff Directors''))* or Nasdaq Listing and Hearing Review Council or committee member who (1) is or has served in the prior three years as an officer, director, or employee of a broker or dealer, excluding an outside director or a director not engaged in the day-to-day management of a broker or dealer; (2) is an officer, director (excluding an outside director), or employee of an entity that owns more than ten percent of the equity of a broker or dealer, and the broker or dealer accounts for more than five percent of the gross revenues received by the consolidated entity; (3) owns more than five percent of the equity securities of any broker or dealer, whose investments in brokers or dealers exceed ten percent of his or her net worth, or whose ownership interest otherwise permits him or her to be engaged in the day-to-day management of a broker or dealer; (4) provides professional services to brokers or dealers, and such services constitute 20 percent or more of the professional revenues received by the Director or 20 percent or more of the gross revenues received by the Director's or member's firm or partnership; (5) provides professional services to a director, officer, or employee of a broker, dealer, or corporation that owns 50 percent or more of the voting stock of a broker or dealer, and such services relate to the director's officer's, or employee's professional capacity and constitute 20 percent or more of the professional revenues received by the Director or member or 20 percent or more of the gross revenues received by the Director's or member's firm or partnership; or (6) has a consulting or employment relationship with or provides professional services to the NASD, NASD Regulation, Nasdaq, or Amex (and any predecessor) or has had any such relationship or provided any such services at any time within the prior three years;

* * * * *

(p) ''[National] Nominating Committee'' means the [National] Nominating Committee appointed

[6] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

pursuant to [Article VII, Section 9 of the NASD] *these* By-Laws;

(q) ''Non-Industry Director'' or ''Non-Industry member'' means a Director (excluding the [President or the Chief Executive Officer] *Staff Directors*) or Nasdaq Listing and Hearing Review Council or committee member who is (1) a Public Director or Public member; (2) an officer or employee of an issuer of securities listed on Nasdaq [or Amex], or traded in the over-the-counter market; or (3) any other individual who would not be an Industry Director or Industry member;

* * * * *

[(u) ''Floor Governor'' or ''Amex Floor Governor'' means a Floor Governor of Amex elected pursuant to Article II, Section .01(a) of the Amex By-Laws;]

[(v) ''Nasdaq-Amex'' means Nasdaq-Amex Market Group, Inc.;]

[(w) *(v)* ''Amex'' means American Stock Exchange LLC[; and].

[(x) ''Amex Board'' means the Board of Governors of Amex.]

* * * * *

Article III

Meeting of Stockholders

[Action by Consent of Stockholder]

Annual Meetings of Stockholders

Sec. 3.1 (a) Nominations of persons for election to the Board and the proposal of business to be considered by the stockholders may be at an annual meeting of stockholders only (i) pursuant to Nasdaq's notice of meeting (or any supplement thereto), (ii) by or at the direction of the Board or the [National] Nominating Committee or (iii) by an stockholder of Nasdaq who was a stockholder of record of Nasdaq at the time the notice provided for in this Section 3.1 is delivered to the Secretary of Nasdaq, who is entitled to vote at the meeting and who complies with the notice procedures set forth in this Section 3.1.

(b) For nominations or other business to be properly brought before an annual meeting by a stockholder pursuant to Section 3.1(a)(iii), the stockholder must have given timely notice thereof in writing to the Secretary of Nasdaq and any such proposed business other than the nominations of persons for election to the Board must constitute a proper matter for stockholder action. To be timely, a stockholder's notice shall be delivered to the Secretary at the principal executive offices of Nasdaq not later than the close of business on the ninetieth day nor earlier than the close of business on the one hundred twentieth day prior to the first anniversary of the preceding year's annual meeting (provided, however, that in the event that the date of the annual meeting is more than thirty days before or more than seventy days after such anniversary date, notice by the stockholder must be so delivered not earlier than the close of business on the one hundred twentieth day prior to such annual meeting and not later than the close of business on the later of the ninetieth day prior to such annual meeting or the tenth day following the day on which public announcement of the date of such meeting is first made by Nasdaq). For purposes of the first annual meeting of stockholders of Nasdaq held after 2000, the first anniversary of the 2000 annual meeting of stockholders shall be deemed to be *May 15,* 2001. In no event shall the public announcement of an adjournment or postponement of an annual meeting commence a new time period (or extend any time period) for the giving of a stockholder's notice as described above. Such stockholder's notice shall set forth: (i) As to each person whom the stockholder proposes to nominate for election as a director all information relating to such person that is required to be disclosed in solicitations of proxies of election of directors in an election contest, or is otherwise required, in each case pursuant to Regulation 14A under the Act and Rule 14a–11 thereunder (and such person's written consent to being named in the proxy statement as a nominee and to serving as a director if elected); (ii) as to any other business that the stockholder proposes to bring before the meeting, a brief description of the business desired to be brought before the meeting, the text of the proposal or business (including the text of any resolutions proposed for consideration and in the event that such business includes a proposal to amend the By-Laws of Nasdaq, the language of the proposed amendment), the reasons for conducting such business at the meeting and any material interest in such business of such stockholder and the beneficial owner, if any, on whose behalf the proposal is made; and (iii) as to the stockholder giving the notice and the beneficial owners, if any, on whose behalf the nomination or proposal is made (A) the name and address of such stockholder, as they appear on Nasdaq's books, and of such beneficial owner, (B) the class and number of shares of capital stock of Nasdaq which are owned beneficially and of record by such stockholder and such beneficial owner, (C) a representation that the stockholder is a holder of record of stock of Nasdaq entitled to vote at such meeting and intends to appear in person or by proxy at the meeting to propose such business or nomination, and (D) a representation whether the stockholder or the beneficial owner, if any, intends or is part of a group which intends (1) to deliver a proxy statement and/or form of proxy to holders of at least the percentage of Nasdaq's outstanding capital stock required to approve or adopt the proposal or elect the nominee and/or (2) otherwise to solicit proxies from stockholders in support of such proposal or nomination. Nasdaq may require any proposed nominee to furnish such other information as it may reasonably require to determine the eligibility of such proposed nominee to serve as a director of Nasdaq.

(c) No change.

Special Meetings of Stockholders

Sec. 3.2 Only such business shall be conducted at a special meeting of stockholders as shall have been brought before the meeting pursuant to Nasdaq's notice of meeting. Nominations of persons for election to the Board may be made at a special meeting of stockholders at which directors are to be elected pursuant to Nasdaq's notice of meeting (a) by or at the direction of the Board or the [National] Nominating Committee or (b) provided that the Board has determined that directors shall be elected at such meeting, by any stockholder of Nasdaq who is a stockholder of record at the time the notice provided for in this Section 3.2 is delivered to the Secretary of Nasdaq, who is entitled to vote at the meeting and upon such election and who complies with the notice procedures set forth in this Section 3.2. In the event Nasdaq calls a special meeting of stockholders for the purpose of electing one or more directors to the Board, any such stockholder entitled to vote in such election may nominate a person or persons (as the case may be) for election to such position(s) as specified in Nasdaq's notice of meeting, if the stockholder's notice required by Section 3.1(b) shall be delivered to the Secretary at the principal executive offices of Nasdaq not earlier than the close of business on the one hundred twentieth day prior to such special meeting and not later than the close of business on the later of the ninetieth day prior to such special meeting or the tenth day following the day on which the public announcement is first made of the date of the special meeting and of the nominees proposed by the Board to be elected at such meeting. In no event shall the public announcement of an adjournment or postponement of a special meeting commence a new time

period (or extend any time period) for the giving of a stockholder's notice as described above.

General

Sec. 3.3 (a) Only such persons who are nominated in accordance with the procedures set forth in this Article III shall be eligible to be elected at an annual or special meeting of stockholders of Nasdaq to serve as directors and only such business shall be conducted at a meeting of stockholders as shall have been brought before the meeting in accordance with the procedures set forth in this Article III. Except as otherwise provided by law, the chairman of the meeting shall have the power and duty [(a)] *(i)* to determine whether a nomination or any business proposed to be brought before the meeting was made or proposed, as the case may be, in accordance with the procedures set forth in this Article III (including whether the stockholder or beneficial owner, if any, on whose behalf the nomination or proposal is made solicited (or is part of a group which solicited) or did not so solicit, as the case may be, proxies in support of such stockholder's nominee or proposal in compliance with such stockholder's representation as required by Section 3.1(b)(iii)(D)) and (ii) if any proposed nomination or business was not made or proposed in compliance with this Article III, to declare that such nomination shall be disregarded or that such proposed business shall not be transacted. Notwithstanding the foregoing provisions of this Article III, if the stockholder (or a qualified representative of the stockholder) does not appear at the annual or special meeting of stockholders of Nasdaq to present a nomination or business, such nomination shall be disregarded and such proposed business shall not be transacted, notwithstanding that proxies in respect of such vote may have been received by Nasdaq.

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Article IV

Board of Directors

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Qualifications

Sec. 4.3 Directors need not be stockholders of Nasdaq. The number of Non-Industry Directors, including at least one Public Director and at least one issuer representative, shall equal or exceed the number of Industry Directors, [plus the President and the Chief Executive Officer (if they are elected Directors),] unless the Board consists of ten or more Directors. In such case at least two Directors shall be issuer representatives. [At least two Industry Directors and two Non-Industry Directors shall be drawn from candidates proposed to the National Nominating Committee by a majority of the non-NASD stockholders of Nasdaq.]

Election

Sec. 4.4 No change.

Resignation

Sec. 4.5 Any Director may resign at any time either upon [written] notice of resignation to the Chair of the Board, the Chief Executive Officer, the President, or the Secretary. Any such resignation shall take effect at the time specified therein or, if the time is not specified, upon receipt thereof, and the acceptance of such resignation, unless required by the terms thereof, shall not be necessary to make such resignation effective.

* * * * *

Filling of Vacancies

Sec. 4.8 If a Director position becomes vacant, whether because of death, disability, disqualification, removal, or resignation, the [National] Nominating Committee shall nominate, and the Board shall elect by majority vote, a person satisfying the classification (Industry, Non-Industry, or Public Director)*, if applicable,* for the directorship as provided in Section 4.3 to fill such vacancy, except that if the remaining term of office for the vacant Director position is not more than six months, no replacement shall be required.

* * * * *

Sec. 4.11 (a)–(c) No change.

(d) Directors or members of any committee appointed by the Board may participate in a meeting of the Board or of such committee through the use of a conference telephone or [similar] *other* communications equipment by means of which all persons participating in the meeting may hear one another, and such participation in a meeting shall constitute presence in person at such meeting for all purposes.

Notice of Meetings; Waiver of Notice

Sec. 4.12 (a) No change.

(b) Notice of any meeting of the Board need not be given to any Director if waived by that Director in writing *or by electronic transmission* (or by telegram, telefax, cable, radio, or wireless and subsequently confirmed in writing *or by electronic transmission*) whether before or after the holding of such meeting, or if such Director is present at such meeting, subject to Article X, Section 10.3(b).

(c) No change.

Committees

Sec. 4.13 (a) The Board may, by resolution or resolutions adopted by [a majority of] the [whole] Board, appoint one or more committees. Except as herein provided, vacancies in membership of any committee shall be filled by the [vote of a majority of the whole] Board. The Board may designate one or more Directors as alternate members of any committee, who may replace any absent or disqualified member at any meeting of the committee. In the absence or disqualification of any member of a committee, the member or members thereof present at any meeting and not disqualified from voting, whether or not such member or members constitute a quorum, may unanimously appoint another Director to act at the meeting in the place of any such absent or disqualified member. Members of a committee shall hold office for such period as may be fixed by a resolution adopted by [a majority of] the [whole] Board. Any member of a committee may be removed from such committee only [after a majority vote] *by* [of] the [whole] Board, after appropriate notice.

(b) The Board may, be resolution or resolutions adopted by a majority of the whole Board, delegate to one or more committees the power and authority to act on behalf of the Board in carrying out the functions and authority delegated to Nasdaq by the NASD under the Delegation Plan. Such delegations shall be in conformance with applicable law, the Restated Certificate of Incorporation, these By-Laws, and the Delegation Plan. Action taken by a committee pursuant to such delegated authority shall be subject to review, ratification, or rejection by the Board. In all other matters, the Board may, by resolution or resolutions adopted by [a majority of] the [whole] Board, delegate to one or more committees that consist solely of one or more Directors the power and authority to act on behalf of the Board in the management of the business and affairs of Nasdaq to the extent permitted by law and not inconsistent with the Delegation Plan. A committee, to the extent permitted by law and provided in the resolution or resolutions creating such committee may authorize the seal of Nasdaq to be affixed to all papers that may require it.

(c) No change.

(d) The Board may appoint an Executive Committee, which shall, to the fullest extent permitted by Delaware law and other applicable law, have and be permitted to exercise all the powers and authority of the Board in the management of the business and affairs

of Nasdaq between meetings of the Board, and which may authorize the seal of Nasdaq to be affixed to all papers that may require it. [The Executive Committee shall consist of three or four Directors, including at least one Public Director. The Chief Executive Officer of Nasdaq shall be a member of the Executive Committee.] The number of Non-Industry [committee members] *Directors on the Executive Committee* shall equal or exceed the number of Industry [committee members] *Directors on the Executive Committee* [plus the Chief Executive Officer]. *The percentage of Public Directors on the Executive Committee shall be at least as great as the percentage of Public Directors on the whole Board.* An Executive Committee member shall hold office for a term of one year. [At all meetings of the Executive Committee, a quorum for the transaction of business shall consist of a majority of the Executive Committee. In the absence of a quorum, a majority of the committee members present may adjourn the meeting until a quorum is present].

(e) The Board may appoint a Finance Committee. The Finance Committee shall advise the Board with respect to the oversight of the financial operations and conditions of Nasdaq, including recommendations for Nasdaq's annual operating and capital budgets and proposed changes to the rates and fees charged by Nasdaq. [The Finance Committee shall consist of three or four Directors. The Chief Executive Officer of Nasdaq shall serve as a member of the Committee]. A Finance Committee member shall hold office for a term of one year.

(f) The Board shall appoint a Management Compensation Committee. The Management Compensation Committee shall consider and recommend compensation policies, programs, and practices for employees of Nasdaq. A majority of Management Compensation Committee members shall be Non-Industry Directors. The Chief Executive Officer shall be an ex-officio, non-voting member of the Management Compensation Committee. A Management Compensation Committee member shall hold office for a term of one year.

(g) The Board shall appoint an Audit Committee.

(i) The Audit Committee shall consist of four or five Directors, none of whom shall be officers or employees of Nasdaq. A majority of the Audit Committee members shall be Non-Industry Directors. The Audit Committee shall include two Public Directors. A Public Director shall serve as Chair of the Committee. An Audit Committee member shall hold office for a term of one year.

(ii) No member of the Audit Committee shall participate in the consideration or decision of any matter relating to a particular Nasdaq member, company, or individual if such Audit Committee member has a material interest in, or a professional, business, or personal relationship with, that member, company, or individual, or if such participation shall create an appearance of impropriety. An Audit Committee member shall consult with the General Counsel of Nasdaq to determine if recusal is necessary. If a member of the Audit Committee is recused from consideration of a matter, any decision on the matter shall be by a vote of a majority of the remaining members of the Audit Committee.

(h) The Board may appoint a Nominating Committee. The Nominating Committee shall nominate Directors for each vacant or new Director position on the Board and members for each vacant or new position on the Nasdaq Listing and Hearing Review Council for appointment by the Board.

(i) The Nominating Committee shall consist of no fewer than six and no more than nine members. The number of Non-Industry members on the Nominating Committee shall equal or exceed the number of Industry members on the Nominating Committee. If the Nominating Committee consists of six members, at least two shall be Public committee members. If the Nominating Committee consists of seven or more members, at least three shall be Public committee members. No officer or employee of Nasdaq shall serve as a member of the Nominating Committee in any voting or non-voting capacity. No more than three of the Nominating Committee members and no more than two of the Industry committee members shall be current members of the Nasdaq Board.

(ii) A Nominating Committee member may not simultaneously serve on the Nominating Committee and the Board, unless such member is in his or her final year of service on the Board, and following that year, that member may not stand for election to the Board until such time as he or she is no longer a member of the Nominating Committee.

(iii) Members of the Nominating Committee shall be appointed annually by the Board and may be removed by majority vote of the Board.

(iv) The Secretary shall collect from each nominee for Director such information as is reasonably necessary to serve as the basis for a determination of the nominee's classification as an Industry, Non-Industry, or Public Director, if applicable, and the Secretary shall certify to the Nominating Committee each nominee's classification, if applicable. Directors shall update the information submitted under this subsection at least annually and upon request of the Secretary, and shall report immediately to the Secretary and change in such information.

[(f)] *(i)* Each committee may adopt its own rules of procedure and may meet at stated times or on such notice as such committee may determine. Each committee shall keep regular minutes of its proceedings and report the same to the Board when required.

[(g)] *(j)* Unless otherwise provided by these By-Laws, a majority of a committee shall constitute a quorum for the transaction of business, and the vote of a majority of the members of such committee present at a meeting at which a quorum is present shall be an act of such committee.

[(h)] *(k)* Upon request of the Secretary of Nasdaq, each prospective committee member who is not a Director shall provide to the Secretary such information as is reasonably necessary to serve as the basis for a determination of the prospective committee member's classification as an Industry, Non-Industry, or Public committee member. The Secretary of Nasdaq shall certify to the Board each prospective committee member's classification. Such committee members shall update the information submitted under this [Section] *subsection* at least annually and upon request of the Secretary of Nasdaq, and shall report immediately to the Secretary any change in such information.

* * * * *

Sec. 4.16 Any action required or permitted to be taken at a meeting of the Board or of a committee may be taken without a meeting if all Directors or all members of such committee, as the case may be, consent thereto in [writing, and the writing or writings are filed with the minutes of proceedings of the Board or the committee] *accordance with applicable law.*

Article V

NASDAQ Listing and Hearing Review Council

* * * * *

Nomination Process

Sec. 5.3 The Secretary of Nasdaq shall collect from each nominee for the office of member of the Nasdaq Listing and Hearing Review Council such information as is reasonably necessary

to serve as the basis for a determination of the nominee's qualifications and classification as an Industry or Non-Industry member, and the Secretary shall certify to the [National] Nominating Committee each nominee's qualifications and classification. After appointment to the Nasdaq Listing and Hearing Review Council, each member shall update such information at least annually and upon request of the Secretary, and shall report immediately to the Secretary any change in such information.

* * * * *

Filling of Vacancies

Sec. 5.8 If a position on the Nasdaq Listing and Hearing Review Council becomes vacant, whether because of death, disability, disqualification, removal, or resignation, the [National] Nominating Committee shall nominate, and the Board shall appoint a person satisfying the qualifications for the position as provided in Section 5.2(a) to fill such vacancy, except that if the remaining term of office for the vacant position is not more than six months, no replacement shall be required.

Quorum and Voting

Sec. 5.9 No change.

Meetings

Sec. 5.10 The members of the Nasdaq Listing and Hearing Review Council may participate in a meeting through the use of a conference telephone or [similar] *other* communications equipment by means of which all persons participating in the meeting may hear one another, and such participation in a meeting shall constitute presence in person at such meeting for all purposes.

* * * * *

Article VII

Officers, Agents, and Employees

Principal Officers

Sec. 7.1 The principal officers of Nasdaq shall be elected by the Board and shall include a Chair, a Chief Executive Officer, a President, a Secretary, a Treasurer, and such other officers as may be designated by the Board. One person may hold the offices and perform the duties of any two or more of said principal offices, except the offices and duties of President and Vice President or of President and Secretary. None of the principal officers, except the Chair of the Board [and the Chief Executive Officer], need be Directors of Nasdaq.

* * * * *

Resignation and Removal of Officers

Sec. 7.5 (a) Any officer may resign at any time upon [written] notice of resignation to the Board, the Chief Executive Officer, the President, or the Secretary. Any such resignation shall take effect upon receipt of such notice or at any later time specified therein. The acceptance of a resignation shall not be necessary to make the resignation effective.

* * * * *

Article X

Miscellaneous Provisions

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Waiver of Notice

Sec. 10.3 (a) Whenever notice is required to be given by law, the Restated Certificate of Incorporation, or these By-Laws, a [written] waiver thereof [,signed] by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to notice. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the stockholders, Directors, or members of a committee of Directors need be specified in any [written] waiver of notice.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq proposes to amend its By-Laws regarding the balancing requirements on the Nasdaq Board of Directors and the composition and operation of certain Nasdaq committees and to make certain changes to conform Nasdaq's By-Laws to Delaware law. NASD members approved a restructuring plan on April 14, 2000, with 3,423 members voting in favor and 652 against. The plan involves broadening the ownership in Nasdaq through a two-phase private placement of common stock and warrants to NASD members, Nasdaq issuers, and certain others. Before Phase 1 of the private placement closed on June 28, 2000, the NASD owned 100 percent of Nasdaq. Now, after the closing of Phase 2 of the private placement, Nasdaq has numerous shareholders, but the NASD will retain voting control of Nasdaq until Nasdaq obtains approval of its exchange registration application. On November 9, 2000, Nasdaq filed a Form 1 with the Commission, which, if granted, would change Nasdaq's status to an exchange and a separate self-regulatory organization from the NASD. Until the SEC approves the Form 1, Nasdaq's activities, including the activities of committees described below that involve functions or responsibilities of a registered securities association will be subject to the NASD's oversight under the Plan of Allocation and Delegation of Functions by NASD to Subsidiaries (''Delegation Plan''), as approved by the Commission.

Nasdaq proposes to amend its By-Laws to make certain changes to its corporate governance while it is operating under the Delegation Plan. Nasdaq believes that these changes will allow it to operate consistent with the requirements of its Restated Certificate of Incorporation and Delaware law and operate with more flexibility insofar as the balancing requirements are concerned.

Article I

Nasdaq proposes that up to two officers of Nasdaq who may be elected to the Board be treated as neutral for purposes of calculating the balance between Industry and Non-Industry Directors. Article IV, Section 4.3 of the Nasdaq By-Laws requires that the number of Non-Industry Directory equal or exceed the number of Industry Directors. Currently, Nasdaq officers who serve on the Board are treated as Industry Directors for purposes of calculating the compositional balance of the Nasdaq Board.

To effectuate this change, Nasdaq proposes to exclude from the definitions of Industry Director and Non-Industry Director up to two Nasdaq officers who are elected to the Board (hereinafter referred to as ''Staff Directors''). Thus, if the stockholders elected one or two officers to the Board, they would be deemed neutral Staff Directors and would not be included in calculating the balance between Industry and Non-Industry Directors on the Nasdaq Board pursuant to Article IV, Section 4.3. If the stockholders elected three or more officers to the Board, then the Board, in its discretion, would designate two as

neutral Staff Directors and the others would be considered Industry Directors.

Definitions for ''Amex Floor Governors,'' ''Nasdaq-Amex,'' and ''Amex Board'' are deleted because the terms are no longer used in the Nasdaq By-Laws.

Article IV

Nasdaq proposes to modify its By-Law provision establishing the balancing requirements between Industry and Non-Industry Directors, by removing references to Nasdaq officers who may be elected to the Board. Nasdaq represents that the effect of this amendment, in conjunction with the amendments to the definitions of Industry and Non-Industry Directors described above, will ensure that the two neutral Staff Directors are not counted when calculating the Industry/Non-Industry balance of the Board.

Nasdaq proposes to delete the provision of Section 4.3 that requires that certain Directors be drawn from candidates proposed to the National Nominating Committee by a majority of the non-NASD stockholders of Nasdaq. This provision is no longer operative as Nasdaq has solicited the recommendations of the non-NASD stockholders and has mailed a ballot to non-NASD stockholders asking them to vote on such candidates. Nasdaq anticipates that the four new directors will be selected and begin serving on the Board by the end of January 2001.

Delaware law does not require director and officer resignations to be in writing.[3] Conforming changes are made in Article IV, Section 4.5 and Article VII, Section 7.5 of the By-Laws.

Certain Nasdaq By-Laws relating to committees currently requires resolutions to be adopted by a majority vote of the whole Board (*e.g.,* to appoint a committee, delegate authority to a committee, remove a committee member). Nasdaq proposes to remove this high vote requirement since it is no longer required for Nasdaq under applicable Delaware law.[4]

Nasdaq proposes several amendments to Section 4.13 relating to committees. With respect to the Executive and Finance Committees, Nasdaq proposes to remove limitations on the size of the Committees. As currently provided in the By-Laws, the Executive Committee would continue to have balancing requirements for Industry, Non-Industry, and Public Directors, but no such requirements would apply to the Finance Committee.

Under Delaware law, the Board of a stockholder-owned corporation must appoint the Directors who serve on Board committees. Moreover, Board committees must be comprised solely of directors to be validly constituted as such under Delaware law.[5] Therefore, Nasdaq proposes to remove the By-Law provision that requires the Nasdaq Chief Executive Officer to serve on the Executive and Finance Committees because it is inconsistent with the Board's exclusive authority in this respect and inconsistent with the requirement that such committees be comprised solely of directors if the Chief Executive Officer is not a director. In the future, any Nasdaq officer elected to the Board may be appointed to these Committees.

New provisions for an Audit Committee and a Management Compensation Committee are added to Section 4.13. These provisions are modeled on the provisions for the counterpart NASD committees and comply with the balancing requirements of the NASD's August 8, 1996 settlement order with the Commission (''1996 Order'').

Nasdaq proposes new provision for a Nominating Committee. Currently the NASD Nominating Committee nominates candidates for the Nasdaq Board and Listing and Review Council.[6] In light of the broadening of the ownership of Nasdaq, Nasdaq proposes that a committee of its Board, rather than a committee of the board of one of its stockholders, would be the appropriate nomination body for the organization. The NASD has proposed conforming changes.[7] The Nasdaq Nominating Committee compositional requirements would mirror the compositional requirements for the NASD Nominating Committee and comply with the requirements of the 1996 Order. Throughout the By-Laws, references to the NASD's National Nominating Committee would be replaced with references to Nasdaq's Nominating Committee.[8] Nasdaq believes that, in general, establishment of these committee will help Nasdaq conduct its Board meetings in a more streamlined and efficient manner.

Nasdaq proposes to amend Section 4.16 to conform it with amendments to Delaware law affording greater use of technology. Specifically, under Delaware law, directors are now permitted to take action without a meeting if all directors consent in writing or by electronic transmission.[9]

Article VII

Section 7.1 currently provides that none of the principal officers of Nasdaq, except the Chair and Chief Executive Officer, need be Directors. Nasdaq proposes to remove the reference to the Chief Executive Officer to provide the flexibility to have a Chief Executive Officer who is not a Director.

Article X

Delaware law no longer requires a waiver of certain notices to be in writing.[10] Nasdaq proposes a conforming change in Section 10.3.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[11] which requires, among other things, that the rules of the association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. Nasdaq believes that the changes proposed to its corporate governance will improve the efficiency of the Board and make it practices and procedures consistent with the Delaware law requirements for shareholder corporations.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Nasdaq did not solicit or receive written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or

[3] 8 Del. C. Section 141(b).

[4] 8 Del. C. Section 141(c)(2).

[5] *Id.*

[6] Nasdaq By-Laws Article IV, Section 4.13(h).

[7] Special NASD Notice to Members 00–90.

[8] Nasdaq By-Laws Article I(p); Article III, Sections 3.1, 3.2; Article IV, Sections 4.8; and Article V, Sections 5.3, 5.8.

[9] 8 Del. C. Section 141(f).

[10] 8 Del. C. Section 229.

[11] 15 U.S.C. 78o–3(b)(6).

(ii) as to which the NASD consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–78 and should be submitted by March 1, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–3238 Filed 2–7–01; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular 120–73, Damage Tolerance Assessment of Repairs to Pressurized Fuselages

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of issuance of advisory circular.

SUMMARY: This notice announces the issuance of Advisory Circular (AC) 120–73, ''Damage Tolerance Assessment of Repairs to Pressurized Fuselages.'' The AC provides guidance on acceptable means of incorporating FAA-approved repair assessment guidelines in air carrier maintenance or inspection programs.

DATES: Advisory Circular 120–73 was issued on December 14, 2000, by the Director of the Aircraft Certification Service, Federal Aviation Administration.

How to Obtain Copies: You can get a paper copy of AC 120–73 by writing to U.S. Department of Transportation, Subsequent Distribution Center, SVC–121.23, Ardmore East Business Center, 3341 Q 75th Avenue, Landover, Maryland 20785. The AC also will be available on the Internet at *http://www.faa.gov/avr/air/airhome.htm*, at the link titled ''Advisory Circulars'' under the ''Available Information'' drop-down menu.

FOR FURTHER INFORMATION CONTACT: For technical issues contact Brent Bandley, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, Airframe Branch, ANM–120L, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5237; fax (562) 627–5210.

For other information contact: Jill DeMarco, FAA, Transport Airplane Directorate, Program Management Branch, ANM–114, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (425) 227–1313; fax (425) 227–1320.

SUPPLEMENTARY INFORMATION:

Discussion of Comments

On December 22, 1997, the FAA issued a notice of the availability of proposed Advisory Circular (AC) 120–XX, ''Repair Assessment of Pressurized Fuselages.'' That notice was published in the **Federal Register** on January 2, 1998 (63 FR 137), and we requested comments from the public on the proposed AC document. Three commenters sent comments asking for changes to various sections of the proposed AC. We have addressed those comments in the final AC as described below.

Changes in General Terminology

One commenter requests that the FAA clarify the terminology used in the proposed AC to indicate that the area of inspection termed the ''fuselage pressure boundary.'' The commenter states that this area includes not only the fuselage skin and bulkhead web, but the door skin as well.

The FAA concurs. The intent of the repair assessment is to include the entire fuselage pressure boundary, which does include, among other things, the fuselage, bulkhead webs, and the door skin. We have changed the terminology accordingly throughout the final AC. [We made this same change in terminology in the final rule associated with this AC: Repair Assessment for Pressurized Fuselages, amendments 91–264, 121–275, 125–33, and 129–8 (65 FR 24108, April 25, 2000).]

Stage 1: Data Collection

One commenter suggests changes to the guidance that concerns the list of structure for which repair assessments are required. The proposed guidance states that some manufacturers have reduced this list by determining the inspection requirements for critical details. If the requirements are equal to normal maintenance checks, such as the Baseline Zonal Inspection (BZI), those details were excluded from this list. The commenter points out that some manufacturers also have excluded items from the list if, through any other inspection program, the repaired structure was previously found to be damage-tolerant. The commenter requests that this be noted in the proposed AC.

The FAA concurs. We have revised paragraph 5.a.(1) of the final AC accordingly.

Stage 2: Repair Classification

One commenter notes the guidance states that, during ''Stage 2: Repair Classification,'' applicants would use information collected from ''a survey form'' to classify repairs (into one of three categories). The commenter states that, while filling in a survey form may be helpful when it is time to classify repairs, such a form is not necessary. Based on the knowledge of those doing the assessment, the classification could be done without filling in a survey form. Therefore, the commenter requests that the FAA revise the language in the proposed AC to state more generally that the applicant may use *the information gathered during Stage 1* to classify repairs.

The FAA concurs. We have revised the wording in paragraph 5.a.(2) of the final AC accordingly.

Category C Repairs

One commenter requests that the term ''temporary'' be further defined to mean ''time-limited'' when defining Category C repairs. The commenter points to an FAA letter (ANM–120S:SCF, dated February 12, 1990) that it previously received that provided three definitions of repairs. The definition contained in the letter that was most closely correlated to the definition of Category C repairs contained in the proposed AC, used the term ''time-limited'' to describe the repair, not ''temporary.''

[12] 17 CFR 200.30–3(a)(12).

The FAA concurs with the commenter's request. We have revised paragraph 5.a.(2)(c) of the final AC to state: ''Category C: A temporary (time-limited) repair that will need to be reworked or replaced prior to an established time * * *''

Airplane Cycle Age Equal to or Less Than Implementation Time on Effective Date of Rule

One commenter requests that the FAA clarify the guidance on when the assessment process would begin for airplanes whose flight cycle age is equal to or less than the implementation time on the date the associated final rule becomes effective. Specifically, the commenter points out that the deadline for repair assessment does not include a ''not to exceed'' value like the other airplanes addressed in the proposed AC.

The FAA concurs that clarification is necessary. We have changed paragraph 6.g.(1) of the final AC to state that the assessment of an airplane in this group should take place before it exceeds the design service goal (DSG), plus an equivalent C-check. (This is parallel to the limit of the assessment deadline specified in paragraph 6.g.(2) for airplanes whose cycle age is greater than the implementation time, but less than the DSG, on the date that the associated final rule became effective.)

Maintenance Program Changes

One commenter requests that the FAA revise the proposed AC to make its intent clearer concerning maintenance program changes. The proposed wording states: ''If the interval escalation reduces the frequency of inspection of the affected area below the BZI * * *''.

The commenter considers that this wording is confusing, and suggests that it could be clearer if changed to: ''If the revised maintenance or inspection program intervals are greater than those in the BZI * * *''

The FAA concurs. We have changed the wording in paragraph 6.h. of the final AC accordingly.

Sale and Transfer of Airplanes

One commenter requests changes concerning the time for implementing the required repair assessment for airplanes that previously have been operated under an FAA-approved maintenance program and are now being sold or transferred. The commenter requests that the phrase, ''* * * whichever would result in an earlier accomplishment date for the assessment,'' be eliminated. The commenter states:

- Such a requirement to adopt previous operators' programs into the new operator's FAA-approved program adds needless administrative complexity and confusion.
- The FAA applies specific oversight of maintenance program integration for fleet additions, whether by acquisition of new or used aircraft of by lease.
- Ample FAA guidelines cover the integration of airplanes transitioning from one maintenance program to another, and there is no need to add an across-the-board provision which may not be appropriate in may cases.

The FAA does not concur. We consider it essential that operators ensure that transferred airplanes are maintained in accordance with the repair assessment program on the same basis as if there were continuity in ownership. Scheduling of the repair assessments for each airplane must not be delayed or postponed because of a transfer of ownership; in some cases, such postponement could continue indefinitely if an airplane is transferred frequently from one owner to another. The stipulation contained in the AC is intended to prevent the situation where an airplane is transferred so often that it never gets assessed.

Miscellaneous Changes

Title of AC: We changed the title of the final AC to ''Damage Tolerance Assessment of Repairs to Pressurized Fuselages.'' We consider that this new title more clearly reflects the content of the AC and the guidance provided.

Paragraph 3., Discussion: We revised this paragraph in the final AC provide a comprehensive list of all airplane models that are subject to the requirements of 14 CFR parts 91, 121, 125, and 129 for a structural integrity assessment of repairs to the fuselage pressure boundary.

Paragraph 6.j., Operation of Leased Foreign-Owned Airplanes: We revised this paragraph to point out that the applicant is not required to implement the assessment program only in accordance with the ''model-specific *manufacturer's* repair assessment guidelines.'' We deleted the word ''manufacturer's'' from that phrase in the final AC. The applicant may use the manufacturer's guidelines or may use any others that have been developed and approved for the specific airplane model.

Issued in Renton, Washington, on January 23, 2001.

Dorenda D. Baker,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–3309 Filed 2–7–01; 8:45 am]

BILLING CODE 4915–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA, Inc. Special Committee 198; Next Generation Communications (NEXCOM)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for an RTCA NEXCOM Special Committee 198 meeting to be held February 22–23, 2001, starting at 9:00 a.m. The meeting will be held at the RTCA Inc., 1140 Connecticut Ave, NW, Suite 1020, Washington, DC, 20536.

At the request of the Federal Aviation Administration, RTCA established a new Special Committee (SC–198) to develop recommendations for the Next Generation Communications (NEXCOM) program. The FAA will implement an integrated system for digital air/ground voice and data communications in the National Airspace System. Special Committee 198 will undertake a multiphase work program that will initially focus on operational considerations and identify, then characterize, basic operational issues. this results of the first phase effort will be published in a Principles of Operation document as well as a report on responses to recommendation of the RTCA Chairman's Committee on NEXCOM. In subsequent phases, Special Committee 198 will address detailed demonstration and transition planning.

The agenda will include: (1) Welcome and Introductory Remarks; (2) Review Terms of Reference, discuss multi-phase work program; (3) Organize work groups, determine leadership, establish interim milestones to deliver two products for Phase 1: (a) Report on Responses to Recommendations to the RTCA Chairman's Committee on NEXCOM (Delivery: August 2001); (b) RTCA DO NEXCOM Principles (Delivery: September 2001); (4) Working Group meetings. Plenary Session: (5) Review Work Group reports; (6) Review Proposed schedule for subsequent meetings to include Plenary meetings in February, April, June, and August, as well as Plenary in September 2001 to approve phase 1 documents; (c) Plenary

in November 2001 to review other committee work; (d) and Editorial meetings; (7) Other Business; (8) Date and Location of Next Meting; (9) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the Co-chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA, Inc., at (202) 833–9339 (phone), (202) 833–9434 (facsimile).

Issued in Washington, DC on February 1, 2001.

Janice L. Peters,

Designated Official.

[FR Doc. 01–3310 Filed 2–7–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 172; Future Air-Ground Communications in the VHF Aeronautical Data Band (118–137 MHz)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee 172 meeting to be held February 27–March 1, 2001, starting at 9:00 a.m. The meeting will be held at RTCA, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036.

The agenda will include: February 27: Plenary Session Convenes; (1) Introductory Remarks; (2) Review Meeting Agenda; (3) Review Previous Meeting Minutes; (4) Working Group (WG)–2 Convenes to work on Minimum Aviation System Performance Standards (MASPS); (5) WG–3 Convenes to work on VHF Data Link 2 and 3 Minimum Operational Performance Standards (MOPS). February 28: (6) Working Group 3 continues. March 1: Plenary Sessions Reconvenes: (7) Review ICAO Aeronautical Mobile Communications Panel (AMCP) Activities; (8) Report on Next Generation Communications (NEXCOM) Advisory Rulemaking Committee and other FAA digital activities; (9) Report on Airlines Electronic Engineering Committee, Systems Architecture Interfaces work on NEXCOM; (10) Review Status of EUROCAE WG–47; (11) Other Business; (12) Date and Location of Next Meeting; (13) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 1, 2001.

Janice L. Peters,

Designated Official.

[FR Doc. 01–3311 Filed 2–7–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In December 2000, there were seven applications approved. Additionally, 11 approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

Public Agency: Milwaukee County, Milwaukee, Wisconsin.

Application Number: 00–06–U–00–MKE.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total PFC Revenue to be used in this Decision: $2,158,333.

Charge Effective Date: April 1, 1999.

Estimated Charge Expiration Date: May 1, 2004.

Class of Air Carriers Not Required to Collect PFC's: No charge from previous decision.

Brief Description of Projects Approved for Use: Surface movement guidance control system. School/church sound insulation, phase II.

Decision Date: December 5, 2000.

FOR FURTHER INFORMATION CONTACT: Sandra E. DePottey, Minneapolis Airports District Office, (612) 713–4363.

Public Agency: Monterey Peninsula Airport District, Monterey, California.

Application Number: 00–06–C–00–MRY.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in this Decision: $335,031.

Earliest Charge Effective Date: March 1, 2001.

Estimated Charge Expiration Date: September 1, 2001.

Class of Air Carriers Not Required to Collect PFC's: Unscheduled Part 135 air taxis.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Monterey Peninsula Airport.

Brief Description of Projects Approved for Collection and Use:

Rehabilitate terminal storm drain.

Expand safety building.

Reconstruct southeast hangar pavement.

Year 2000 assessment/upgrade security access system.

South ramp security fence.

Taxiway D reconstruction.

Southeast water main extension.

Upgrade airfield lighting system.

South ramp storm drain extension.

Environmental study for runway 10R/28L service road.

Environmental study for airport road extension, phases 2 and 3.

North side perimeter fence replacement.

Upper mezzanine elevator.

Fire apparatus pump upgrade.

Brief Description of Disapproved Project: Vegetation/wildlife management plan.

Determination: Disapproved. This project is not eligible planning or development under the Airport Improvement Program (AIP), appendix 2, FAA Order 5100.38A, AIP Handbook (October 24, 1989). The project description submitted in the application did not include sufficient detail to allow the FAA to make a positive eligibility determination. Therefore, this project does not meet the requirements of § 158.15(b).

Decision Date: December 6, 2000.

FOR FURTHER INFORMATION CONTACT: Marlys Vandervelde, San Francisco Airports District Office, (650) 876–2806.

Public Agency: City of Billings, Aviation and Transit Department, Billings, Montana.

Application Number: 00–03–C–00–BLI.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in this Decision: $4,153,600.

Earliest Charge Effective Date: February 1, 2001.

Estimated Charge Expiration Date: October 1, 2005.

Class of Air Carriers Not Required to Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use:

Installation of a second inbound baggage belt.

Terminal area ramp lighting additions.

Terminal passenger access and Americans with Disabilities Act improvements.

Terminal boiler replacement.

Terminal concourse window replacements and lighting upgrades.

Deicing facility.

Snow removal equipment purchases.

Airfield electrical vault and airfield lighting control upgrades.

Brief Description of Withdrawn Projects:

Noise reducing run-up area.

Operations center equipment bay addition.

Determination: These projects were withdrawn from the application by the public agency by letter dated July 11, 2000. Therefore, the FAA did not rule on these projects in this decision.

Financing costs for project construction.

Determination: This project was withdrawn as a stand-alone project by the public agency by letter dated September 22, 2000. This same letter requested that the FAA incorporate the proposed financing costs into the related construction project, deicing facility. Therefore, the FAA considered the financing costs in its deliberations on the overall construction project, which was approved.

Decision Date: December 9, 2000.

FOR FURTHER INFORMATION CONTACT: David P. Gabbert, Helena Airports District Office, (406) 449–5271.

Public Agency: City of San Jose, California.

Application Number: 00–09–C–00–SJC.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in this Decision: $29,780,000.

Earliest Charge Effective Date: September 1, 2003.

Estimated Charge Expiration Date: January 1, 2005.

Class of Air Carriers Not Required to Collect PFC's: Air taxi/commercial operators filing FAA form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at San Jose International Airport.

Brief Description of Products Approved for Collection and Use:

Taxiway Z—apron reconstruction (phase II).

Terminal C fire protection.

Fiber Optic cable to airport response center and fire station 20.

Green Island bridge.

Replacement of security access control system and closed circuit television system.

Skyport grade separation.

Terminal Drive improvements.

Replacement of passive secondary surveillance radar.

Terminal C restroom upgrade.

Interim air cargo ramp expansion.

Decision Date: December 15, 2000.

FOR FURTHER INFORMATION CONTACT: Marlys Vandervelde, San Francisco Airports District Office, (650) 876–2806.

Public Agency: Luzerne and Lackawanna County Bi-County Airport Board of Commissioners, Avoca, Pennsylvania.

Application Number: 00–03–C–00–AVP.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $9,918,271.

Earliest Charge Effective Date: May 1, 2001.

Estimated Charge Expiration Date: November 1, 2010.

Class of Air Carriers Not Required to Collect PFC's: Non-scheduled/on demand air carriers, with seating capacity of less than 20 seats, filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Wilkes-Barre/Scranton International Airport.

Brief Description of Projects Approved for Collection and Use:

Construct new passenger terminal.

Construct access roads and non-revenue surface parking.

Construct passenger terminal apron.

Master plan update.

Design runway safety area.

Brief Description of Project Approved in Part for Collection and Use:

Architectural/engineer construction inspection fees.

Determination: Partially approved. Contingency fees are not eligible in accordance with 1A158.3, ''Allowable cost'', therefore, the cost for the contingency fees is disapproved. The approved amount was reduced from that amount requested due to the disapproved amount.

Brief Description of Projects Approved for Collection Only:

Design and construct snow removal equipment maintenance facility.

Design and construction of airport perimeter fence.

Design and reconstruct general aviation ramp.

Acquire snow removal equipment.

Decision Date: December 15, 2000.

FOR FURTHER INFORMATION CONTACT: Oscar Sanchez, Harrisburg Airports District Office, (717) 730–2834.

Public Agency: Dubuque Airport Commission, Dubuque, Iowa.

Application Number: 00–05–C–00–DBQ.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in This Decision: $631,592.

Earliest Charge Effective Date: January 1, 2002.

Estimated Charge Expiration Date: March 1, 2004.

Class of Air Carriers Not Required to Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use:

Pave runway 18/36 extension.

Rehabilitate runway 18/36.

Installation of instrument landing system and medium intensity approach lighting system with runway alignment indicator lights for runway 36.

Airfield operations area fencing and wildlife assessment.

Decision Date: December 19, 2000.

FOR FURTHER INFORMATION CONTACT: Lorna Sandridge, Central Region Airports Division, (816) 329–2641.

Public Agency: Sanford Airport Authority, Sanford, Florida.

Application Number: 00–01–C–00–SFB.

Application Type: Impose and use a PFC.

PFC Level: $1.00.

Total PFC Revenue Approved in this Decision: $1,100,332.

Earliest Charge Effective Date: March 1, 2001.

Estimated Charge Expiration Date: March 1, 2003.

Class of Air Carriers Not Required to Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use:

Airfield signage.

Airport master plan update/update three dimensional airspace analysis

program/Part 150/environmental assessment for airport access road.

Aircraft rescue and firefighting vehicles.

Taxiway B west extension.

Part 107 security system.

Relocate precision approach path indicator to runway 9R/27L.

Part 150 noise study.

Runway 9R/27L lights (medium intensity runway lights).

Airport master plan.

Americans with Disabilities Act lift device.

Brief Description of Project Approved in Part for Collection and Use:

Domestic terminal expansion.

Determination: Partially approved. In the airline consultation prior to submission of this application, the public agency provided information to the air carriers indicating that the amount of PFC revenue to be requested for this project would be $797,403. However, the application as submitted requested PFC revenue in the amount of $9,893,978 for this project and there was no evidence submitted of further consultation with the air carriers on this higher amount. Therefore, the FAA limited its approval to the amount which was provided in the consultation meeting.

Construct aircraft rescue and firefighting station.

Determination: Partially approved. In the airline consultation prior to submission of this application, the public agency provided information to the air carriers indicating that the amount of PFC revenue to be requested for this project would be $93,628. However, the application as submitted requested PFC revenue in the amount of $219,178 for this project and there was no evidence submitted of further consultation with the air carriers on this higher amount. Therefore, the FAA limited its approval to the amount which was provided in the consultation meeting.

Brief Description of Project Disapproved: Parking transition to west overflow lot.

Determination: The FAA has determined that this project is not AIP eligible and, therefore, does not meet the requirements of § 158.15(b). In accordance with AIP eligibility criteria found in Program Guidance Letter 93–3.2, non revenue parking lots are eligible only at commercial service airports which annual enplane 0.05 percent or less of the total annual enplanements nationwide. The current FAA enplanement data shows that SFB's are 0.062 percent of the nationwide enplanements.

Brief Description of Projects Withdrawn:

Runway 9R/27L and taxiways B and C.

Construct runway 9L/27R declared distance enhancement/construct access road phase 2.

Construct terminal access road including property acquisition.

Acquire land and construct replacement runway 9R/27L.

North side access road.

Airport master development plan.

Taxiway fillets.

Taxiways B and C rehabilitation.

Taxiway A–4 construction.

Taxiway A.

Electrical loop to terminal, air traffic control tower, and airfield.

Construct taxiway S, connectors, and lights.

Rehabilitate aviation ramps.

Reconstruct taxiways B, C and K.

Instrument landing system/medium intensity approach lighting system with runway end identifier lights.

Terminal area ramp reconstruction.

Determination: These projects were withdrawn by the public agency by letter dated November 3, 2000. Therefore, the FAA did not rule on these projects in this decision.

Decision date: December 27, 2000.

FOR FURTHER INFORMATION CONTACT: Armando L. Rovira, Orlando Airports District Office, (407) 812–6331, extension 31.

Amendments to PFC Approvals

Amendment No., city, state	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
* 93–01–C–02–CYS, Cheyenne, WY	12/21/00	$742,261	$957,013	07/01/05	01/01/07
97–02–C–01–YNG, Youngstown, OH	11/27/00	734,078	384,078	07/01/02	10/01/03
94–02–C–01–YKM, Yakima, WA	9/13/00	14,745	14,670	06/01/95	06/01/95
* 98–05–I–01–JAC, Jackson, WY	12/21/00	1,850,000	1,903,869	01/01/03	06/01/02
* 99–06–U–01–JAC, Jackson, WY	12/21/00	NA	NA	NA	NA
94–02–C–02–EYW, Key West, FL	12/20/00	1,272,858	980,574	12/01/96	08/01/96
97–03–C–02–EYW, Key West, FL	12/20/00	1,760,000	1,885,000	12/01/99	10/01/99
99–04–C–01–EYW, Key West, FL	12/20/00	946,503	1,596,503	04/01/00	08/01/01
* 97–01–C–01–PGV, Greenville, NC	12/15/00	453,648	494,986	11/01/01	07/01/01
* 92–01–C–02–SAV, Savannah, GA	12/04/00	49,908,639	49,808,639	12/01/15	12/01/10
* 97–01–C–01–SAV, Savannah, GA	12/04/00	1,111,931	1,111,931	11/01/16	07/01/11

Note: The amendments denoted by an asterisk (*) include a change to the PFC level charged from $3.00 per enplaned passenger to $4.50 per enplaned passenger. For Savannah, GA (92–01 amendment), Greenville, NC, Cheyenne, WY, and Jackson, WY, this change is effective on April 1, 2001. For Savannah, GA (98–03 amendment), this change is effective April 1, 2011.

Issued in Washington, DC, on January 30, 2001.

Eric Gabler,

Manager, Passenger Facility Charge Branch.

[FR Doc. 01–3312 Filed 2–7–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Emergency Order No. 21, Notice No. 3]

Northwestern Pacific Railroad; Notice of partial relief from Emergency Order No. 21

AGENCY: Federal Railroad Administration, Department of Transportation.

ACTION: Notice of partial relief.

SUMMARY: This notice provides partial relief for the Northwestern Pacific Railroad from the limitations of Federal Railroad Administration Emergency Order No. 21. The relief allows the Northwestern Pacific Railroad to re-open to rail traffic on approximately 40.8 miles of its line between mile post 49.8S, formerly designated as mile post 63.4, near Lombard, California and mile post 43.0, near Petaluma, California.

The remainder of the NWP line, from mile post 43.0 to Arcata, California, remains closed pending further relief from the emergency order.

Authority

Authority to enforce Federal railroad safety laws has been delegated by the Secretary of Transportation to the Federal Railroad Administrator. 49 CFR 1.49. Railroads are subject to FRA's safety jurisdiction under the Federal railroad safety laws, 49 U.S.C. 20102, 20103. FRA is authorized to issue emergency orders where an unsafe condition or practice ''causes an emergency situation involving a hazard of death or personal injury.'' 49 U.S.C. 20104. These orders may impose such ''restrictions and prohibitions * * * that may be necessary to abate the situation.'' *(Ibid.)* Likewise, FRA is authorized to grant relief from an emergency order when the agency deems that the unsafe condition or practice which gave rise to the emergency order no longer exists.

Background

The NWP operates on a 286-mile line between mile post 295.5 near Arcata, California and mile post 49.8S (formerly designated as mile post 63.4) near Lombard, California. The North Coast Railroad Authority, a California public agency formed pursuant to California Government Code Section 93000 *et seq.*, owns and operates that portion of the NWP between Healdsburg, mile post 68, and Arcata. Another portion over which the NWP operates and for which it is responsible for maintenance, Healdsburg to mile post 49.8S (formerly mile post 63.4) near Lombard, is owned by the Northwestern Pacific Railroad Authority, a joint powers agency representing the Golden Gate Bridge, Highway and Transportation District, the County of Marin, and the North Coast Railroad Authority. Northwestern Pacific Railway Co., LLC (formerly doing business as Railways, Inc.) is the operating agent for the North Coast Railroad Authority, doing business as the NWP.

The NWP is subject to the jurisdiction of FRA. In 1997, FRA, in partnership with the California Public Utilities Commission (CPUC), reviewed NWP's compliance with Federal safety statutes and regulations. The review revealed widespread noncompliance, including hundreds of track defects and a general failure to perform periodic tests of locomotive air brake equipment. On June 11, 1997, FRA, CPUC, and the NWP signed a safety compliance agreement which detailed 11 action items for the NWP to perform. On June 28, 1998, upon finding that the NWP had failed to comply with most of the agreement, the Federal Railroad Administrator issued Compliance Order 98–1 directing NWP to perform the corrections listed in the compliance agreement. When FRA later found that the NWP failed to comply with the directives in the compliance order, and the defects on the rail line posed an imminent and unacceptable threat to public safety, the Federal Railroad Administrator issued Emergency Order No. 21 on November 25, 1998. The emergency order closed all railroad operations except the operation of work trains for the specific and sole purpose of effecting repairs on the railroad.

In May, 1999, FRA granted the NWP partial relief from Emergency Order No. 21 for approximately 1.5 miles of its line near Willits, California. The partial relief allowed the NWP to re-open traffic between the junction with the California Western Railroad and the Willits Depot, as well as several tracks in Willits Yard.

In order to gain full relief from Emergency Order No. 21, the NWP must:

(1) Properly repair and inspect all grade crossing signals and certify to the Federal Railroad Administrator that all necessary repairs and inspections have been performed and that all required tests are up-to-date.

(2) Adopt a set of grade crossing signal standards and instructions acceptable by FRA.

(3) Update, correct and/or redraw circuit plans for each of the grade crossing signal system to meet compliance with 49 CFR 234.201 and 234.203. A list of locations of the updated, corrected or redrawn circuit plans should be submitted to FRA.

(4) Provide proper and adequate test equipment for signal maintainers.

(5) Repair all track not subject to Emergency Order No. 14 to class 1 track standards as detailed in 49 CFR Part 213.

Note: Emergency Order No. 14 requires the Northwestern Pacific Railroad to repair certain segments of track to class 1 track standards for the hauling of passengers and all hazardous materials. Otherwise, the railroad may designate the track still subject to that order as excepted.

(6) Clear all vegetation from drainage facilities and away from signs and signals and track bed so that the track meets the requirements of 49 CFR 213.37;

(7) Furnish FRA with a 12-month track maintenance plan.

(8) Establish a program of employee training on the Federal Track Standards to ensure that employees performing inspection, maintenance, and restoration work are qualified in accordance with 49 CFR 213.7.

(9) Certify in writing that each individual conducting track inspections has sufficient knowledge, skills, and ability to successfully conduct the types of inspections which will be performed by that individual. Records of that certification are to be maintained by the railroad.

(10) Obtain approval from the Federal Railroad Administrator that all of the requirements of this Emergency Order have been met and properly performed.

The emergency order allows for partial relief for designated portions of the NWP's line. The NWP is required to first meet all of the system-wide requirements, as listed in items 2, 4, 7, 8, and 9. The NWP may then obtain partial relief for any portion of its line for which all of the requirements of the emergency order are met.

On November 15, 2000, in accordance with the terms of the emergency order, the NWP formally requested that FRA grant it partial relief from the emergency order for its rail line between mile post 49.8S (formerly designated as mile post 63.4) near Lombard, and mile post 43.0 near Petaluma, California. At this time, the NWP stated that it met all of the systemic requirements of Emergency Order No. 21, namely:

- The NWP adopted a set of grade crossing signal standards and instructions that is acceptable to FRA;
- The NWP has entered into a contract with MEC Rail Systems, a signal maintenance company, for the testing and maintenance of NWP signals. In response to the agreement, MEC Rail Systems purchased proper and adequate test equipment for signal maintainers for use on the NWP;
- The NWP has furnished to FRA a 12-month track maintenance plan that includes all of the necessary information required by Emergency Order No. 21;
- The NWP has established a program of employee training on the Federal Track Safety Standards, adopting the Railway Educational Bureau's *Track Foreman's Training Program*. Individual testing of roadmaster and office engineer candidates has begun;
- The NWP has certified that three employees of Northwestern Pacific Railway Co., LLC. (formerly doing business as Rail-Ways, Inc.), who are responsible for track inspections, have sufficient knowledge, skills and ability to successfully conduct track inspections. Any employees who become responsible for track inspections subsequent to the granting of this partial relief will be certified by the NWP as well.

NWP's compliance at this time with the systemic requirements of the emergency order makes the railroad eligible to request partial relief for the designated segment of track between Lombard and Petaluma. However, FRA will monitor the railroad's continuing compliance with these systemic requirements.

On December 18 and 19, 2000, FRA inspected the track for which the NWP requested relief from the emergency order. FRA found the track to meet Class 1 track standards in accordance with 49 CFR part 213. Between December 11 and December 13, 2000, FRA inspected the grade crossing signal systems on the track for which NWP requested relief from the emergency order and found that not all necessary repairs, inspections and tests had been performed. FRA found that several grade crossing signals were not in compliance with Federal regulations. In addition, FRA found that the grade crossing signal on the east approach to ''D'' Street in Petaluma, California had been removed. FRA informed NWP that all signal systems would have to be in complete working order and that restoration of the grade crossing signal at ''D'' Street in Petaluma would be required in order for partial relief to be granted. As of January 31, 2001, FRA found that all of the signal systems on the rail line between Lombard and Petaluma, including the grade crossing signal system at D Street in Petaluma, are in compliance with FRA regulations.

Relief

In light of the foregoing, I grant NWP partial relief from Emergency Order No. 21. NWP trackage between mile post 49.8S (formerly designated as mile post 63.4) near Lombard and mile post 43.0 near Petaluma may open immediately to rail traffic. The issuance of this Notice does not preclude imposition of another emergency order governing the segment of track should conditions of the track or rail operations deteriorate to the extent that I believe they pose an imminent and unacceptable threat to public safety.

Issued in Washington on February 1, 2001.

S. Mark Lindsey,

Acting Deputy Administrator.

[FR Doc. 01–3316 Filed 2–7–01; 8:45 am]

BILLING CODE 4910–06–U

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC–F–20977]

Stagecoach Holdings PLC and Coach USA, Inc., et al.—Control—Travel Impressions LLC

AGENCY: Surface Transportation Board.

ACTION: Notice tentatively approving finance transaction.

SUMMARY: Stagecoach Holdings PLC (Stagecoach) and its subsidiary, Coach USA, Inc. (Coach), noncarriers, and various subsidiaries of each (collectively, applicants), filed an application under 49 U.S.C. 14303 to acquire control of Travel Impressions LLC (Travel Impressions) d/b/a Nevada Charter, a motor passenger carrier based in Las Vegas, NV. Persons wishing to oppose this application must follow the rules under 49 CFR part 1182.5 and 1182.8. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by March 26, 2001. Applicants may file a reply by April 9, 2001. If no comments are filed by March 26, 2001, this notice is effective on that date.

ADDRESSES: Send an original and 10 copies of any comments referring to STB Docket No. MC–F–20977 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, send one copy of any comments to applicants' representative: Betty Jo Christian, Steptoe & Johnson LLP, 1330 Connecticut Avenue, NW., Washington, DC 20036–1795.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 565–1600. [TDD for the hearing impaired: 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: Stagecoach is a public limited corporation organized under the laws of Scotland. With operations in several countries, Stagecoach is one of the world's largest providers of passenger transportation services. Stagecoach had annual revenues of $3.29 billion for the fiscal year ending April 30, 2000. Coach is a Delaware corporation that currently controls over 90 motor passenger carriers.

Stagecoach and its subsidiaries currently control Coach,[1] its noncarrier regional management subsidiaries, and the motor passenger carriers jointly controlled by Coach and the management subsidiaries.[2] In previous Board decisions, Coach management subsidiaries, including Coach USA West, Inc., have obtained authority to control motor passenger carriers jointly with Coach.[3]

Applicants state that Coach acquired Travel Impressions in a September 12, 2000 transaction in which it acquired all of the outstanding stock of Travel Impressions.[4] Simultaneously with that acquisition, Coach placed the stock of Travel Impressions into an independent voting trust. The control transaction that is the subject of this application will not involve any further transfer of the federal operating authority held by Travel Impressions and will not entail any change in its operations. Travel Impressions will also be jointly controlled by Coach USA West, Inc.

Applicants have submitted information, as required by 49 CFR 1182.2(a)(7), to demonstrate that the proposed acquisition of control is consistent with the public interest under 49 U.S.C. 14303(b). Applicants state that the proposed transaction will not reduce competitive options, adversely impact fixed charges, or adversely impact the interests of the employees of Travel Impressions. Applicants assert that granting the application will allow Travel Impressions to take advantage of economies of scale and substantial benefits offered by applicants, including interest cost savings and reduced operating costs. In addition, applicants have submitted all of the other statements and certifications required by 49 CFR 1182.2. Additional information, including a copy of the application, may be obtained from the applicants' representatives.

[1] Stagecoach controls Coach through various subsidiaries, namely, SUS 1 Limited, SUS 2 Limited, Stagecoach General Partnership, and SCH US Holdings Corp.

[2] *See Stagecoach Holdings PLC-Control-Coach USA, Inc., et al.*, STB Docket No. MC–F–20948 (STB served July 22, 1999).

[3] *See Coach USA, Inc. and Coach USA North Central, Inc.-Control-Nine Motor Carriers of Passengers*, STB Docket No. MC–F–20931, et al. (STB served July 14, 1999).

[4] Travel Impressions is a Nevada corporation headquartered in Las Vegas, NV. It holds federally-issued operating authority in Docket No. MC–340826, authorizing it to provide charter and special services between points in the United States. Travel Impressions also holds intrastate operating authority issued by the Transportation Service Authority of Nevada. The carrier operates 53 buses, employs 114 persons, and earned gross revenues of approximately $9.2 million during the 12-month period ended September 30, 2000. It provides charter and airport services in the Las Vegas area and between Las Vegas and points in nearby states. Prior to the transfer of its stock into a voting trust, the carrier was owned by two individuals, Philip Oldridge and Maria C. Armstrong.

Under 49 U.S.C. 14303(b), we must approve and authorize a transaction we find consistent with the public interest, taking into consideration at least: (1) The effect of the transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees.

On the basis of the application, we find that the proposed acquisition of control is consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. *See* 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this decision will take effect automatically and will be the final Board action.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proposed acquisition of control is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this decision will be deemed as having been vacated.

3. This decision will be effective on March 26, 2001, unless timely opposing comments are filed.

4. A copy of this notice will be served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration—MC-RI, 400 Virginia Avenue, SW., Suite 600, Washington, DC 20024; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, NW., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 400 7th Street, S.W., Washington, DC 20590.

Decided: February 1, 2001.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams,

Secretary.

[FR Doc. 01–3196 Filed 2–7–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

January 26, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before March 12, 2001.

Internal Revenue Service (IRS)

OMB Number: 1545–0007.

Form Number: Form T.

Type of Review: Extension.

Title: Forest Activities Schedule.

Description: Form T is filed by individuals and corporations to report income and deductions from the timber business. The IRS uses Form T to determine if the correct amount of income and deductions are reported.

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents/ Recordkeeping: 37,000.

Estimated Burden Hours Per Respondent/Recordkeepers:

Recordkeeping	37 hr., 4 min.
Learning about the law or the form.	42 min.
Preparing and sending the form to the IRS.	1 hr., 19 min.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 1 hour.

OMB Number: 1545–0429.

Form Number: IRS Form 4506.

Type of Review: Extension.

Title: Request for Copy or Transcript of Tax Form.

Description: 26 U.S.C. 7513 allows for taxpayers to request a copy of a tax return. Form 4506 is used by a taxpayer to request a copy of a Federal tax form. The information provided will be used for research to locate the tax form and to ensure that the requester is the taxpayer or someone authorized by the taxpayer.

Respondents: Individuals or households, Business.

Estimated Number of Respondents/ Recordkeeping: 914,40.

Recordkeeping	13 min.
Learning about the law or the form.	6 min.
Preparing the form	25 min.
Copying, assembling, and sending the form to the IRS.	16 min.

Frequency of Response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 941,977 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 01–3265 Filed 2–7–01; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 2, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before March 12, 2001 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0073.

Form Number: IRS Form 1310.

Type of Review: Extension.

Title: Statement of Person Claiming Refund Due a Deceased Taxpayer.

Description: Form 1310 is used by a claimant to secure payment of a refund on behalf of a deceased taxpayer. The information enables IRS to send the refund to the correct person.

Respondents: Individuals or households.

Estimated Number of Respondents/ Recordkeepers: 7,500.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	6 min.
Learning about the law or the form.	3 min.

Preparing the form	15 min.
Copying, assembling, and sending the form to the IRS.	16 min.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 5,250 hours.

OMB Number: 1545–1459.

Form Number: IRS Form 8498.

Type of Review: Extension.

Title: Program Sponsor Agreement for Continuing Education for Enrolled Agents.

Description: This information relates to the approval of continuing professional education programs for the individuals enrolled to practice before the Internal Revenue Service (enrolled agents).

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents: 500.

Estimated Burden Hours Per Respondent: 36 minutes.

Frequency of Response: Other (one-time filing).

Estimated Total Reporting Burden: 300 hours.

OMB Number: 1545–1565.

Notice Number: Notice 97–64.

Type of Review: Extension.

Title: Temporary Regulations To Be Issued Under Section (h) of the Internal Revenue Code (Applying Section 1(h) to Capital Gain Dividends of RICs and REITs).

Description: Notice 97–64 provides notice of forthcoming temporary regulations that will permit Regulated Investment Companies (RICs) and Real Estate Investment Trusts (REITs) to distribute multiple classes of capital gain dividends.

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents: 1.

Estimated Burden Hours Per Respondent: 1 hour.

Frequency of Response: Other (once).

Estimated Total Reporting Burden: 1 hour.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 01–3266 Filed 2–7–01; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). The Community Development Financial Institutions Fund (the ''Fund'') within the Department of the Treasury is soliciting comments concerning its Bank Enterprise Award (BEA) Program Annual Survey. The BEA Program provides incentives to insured depository institutions to increase their support of CDFIs and their activities in economically distressed communities. The survey of BEA Awardee's will help the Fund to measure the effects of the BEA Program on insured depository institutions' community development activities.

DATES: Written comments should be received on or before April 9, 2001 to be assured of consideration.

ADDRESSES: Direct all comments to Matthew Josephs, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW., Suite 200 South, Washington, DC 20005, Facsimile Number (202) 622–7754.

FOR FURTHER INFORMATION CONTACT: The Community Development Financial Institutions Fund (the Fund), U.S. Department of Treasury, 601 13th Street, NW., Suite 200 South, Washington, DC 20005, (202) 622–8662 (this is not a toll free number) or visit the Fund's website at http://www.treas.gov/cdfi. Other information regarding the Fund and its programs also may be obtained through the Fund's website.

SUPPLEMENTARY INFORMATION:

Title: Bank Enterprise Award Program Annual Survey.

OMB Number: 1559–0008.

Abstract: The purpose of the BEA Program is to assist in the revitalization of distressed urban and rural communities. Under the BEA Program, the Fund issues grant awards annually to insured depository institutions that have increased their level of investment in Community Development Financial Institutions and distressed communities between a six month assessment period and a six month baseline period. To help measure the effects of the BEA Program on the community development activities of insured depository institutions, the Fund is conducting a written survey of BEA Program Awardees.

Type of review: Extension.

Affected Public: Financial Institutions.

Estimated Number of Respondents: 180.

Estimated Annual Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 90 hours.

Requests for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the Fund, including whether the information shall have practical utility; (b) the accuracy of the Fund's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Authority: 12 U.S.C. 4703; 12 U.S.C. 4713; 12 U.S.C. 1834a; and E.O. 12866, § 6(a).

Dated: January 31, 2001.

Jeffrey C. Berg,

Acting Director, Community Development Financial Institutions Fund.

[FR Doc. 01–3037 Filed 2–7–01; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and

other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Community Development Financial Institutions Fund (the Fund) within the Department of the Treasury is soliciting comments concerning the Bank Enterprise Award (BEA) Program.

DATES: Written comments should be received on or before April 9, 2001 to be assured of consideration.

ADDRESSES: Direct all comments to Margaret Nilson, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW., Suite 200 South, Washington, DC 20005, Facsimile Number (202) 622–7754.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to the Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW., Suite 200 South, Washington, DC 20005, or call (202) 622–8662.

SUPPLEMENTARY INFORMATION:

Title: Bank Enterprise Award Program.

OMB Number: 1559–0005.

Abstract: The Fund was established by the Community Development Banking and Financial Institutions Act of 1994 (the ''Act'') in order to promote economic revitalization and community development by supporting community development financial institutions (CDFIs) and providing incentives for banks and thrifts to increase their lending, investment, and services within distressed communities. The Fund's BEA Program helps achieve this purpose by providing financial incentives for FDIC-insured banks and thrifts to increase their investments in CDFIs or their lending, investments, and services in ''Distressed Communities.''

Current Actions: The Fund considering revisions to BEA Program regulations (12 CFR part 1806).

Type of review: Extension with change.

Affected Public: Insured depository institutions.

Estimated Number of Respondents: 200.

Estimated Time Per Respondent: Application: 10; Final Report: 7.

Estimated Total Annual Burden Hours: 3,400.

Requests for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Authority: 12 U.S.C. 1834a, 4701, 4704, 4713; 12 CFR part 1806.

Dated: January 31, 2001.

Jeffrey C. Berg,

Acting Director, Community Development Financial Institutions Fund.

[FR Doc. 01–3038 Filed 2–7–01; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Community Development Financial Institutions Fund (the Fund) within the Department of the Treasury is soliciting comments concerning the Presidential Awards for Excellence in Microenterprise Development (''Microenterprise'') Program.

DATES: Written comments should be received on or before April 9, 2001 to be assured of consideration.

ADDRESSES: Direct all comments to Margaret Nilson, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW., Suite 200 South, Washington, DC 20005, Fax Number (202) 622–7754.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to the Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW., Suite 200 South, Washington, DC 20005, or call (202) 622–8662.

SUPPLEMENTARY INFORMATION:

Title: Presidential Awards for Excellence in Microenterprise Development Program.

OMB Number: 1559–0007.

Abstract: The Microenterprise Program was created as one of the commitments made by the United States at the United Nations Fourth World Conference on Women held in Beijing, China in September 1995. As a key development finance initiative of the Clinton Administration, the Community Development Financial Institutions Fund was selected to administer the program. By recognizing outstanding microenterprise development and support organizations, the Microenterprise Program's mission is to advance an understanding of ''best practices'' in the field of microenterprise development and bring wider public attention to the important successes of microenterprise development in the United States. The awards are non-monetary awards that are made annually.

Current Actions: The Fund is in the process of making revisions to its application, in order to begin the second round of the Microenterprise Program.

Type of Review: Reinstatement with change.

Affected Public: Microenterprise organizations and organizations that provide support to microenterprise organizations.

Estimated Number of Respondents: 80.

Estimated Annual Time Per Respondent: 35 hours.

Estimated Total Annual Burden Hours: 2,800 hours.

Requests for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to

minimize the burden of the collection of information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Authority: 12 U.S.C. 4703, 4718; chapter X, Pub.L. 104–19, 109 Stat. 237 (12 U.S.C. 4703 note).

Dated: January 31, 2001.

Jeffrey C. Berg,

Acting Director, Community Development Financial Institutions Fund.

[FR Doc. 01–3039 Filed 2–7–01; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Regulations Governing Payments by the Automated Clearing House method on Account of United States Securities.

DATES: Written comments should be received on or before April 10, 2001, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: Regulations Governing Payments by the Automated Clearing House Method on Account of United States Securities.

OMB Number: 1535–0094.

Abstract: The regulations authorize payment to investors in United States securities by the Automated Clearing House (ACH Method).

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals, businesses or other for-profit, and state or local governments.

Estimated Total Annual Burden Hours: 1.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 2, 2001.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. 01–3242 Filed 2–7–01; 8:45 am]

BILLING CODE 4810–39–U

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Regulations Governing United States Savings Bonds Series E/EE and H/HH.

DATES: Written comments should be received on or before April 10, 2001, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: Regulations Governing United States Savings Bonds Series E/EE and H/HH.

OMB Number: 1535–0095

Abstract: The regulations mandate the payment of H/HH interest by Direct Deposit (ACH Method)

Current Actions: None

Type of Review: Extension

Affected Public: Individuals, Businesses or other for-profit, and state or local governments.

Estimated Total Annual Burden Hours: 1

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 2, 2001.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. 01–3243 Filed 2–7–01; 8:45 am]

BILLING CODE 4810–39–U

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the transaction request for U.S. Treasury Securities State and Local Government Series and Early Redemption Request for U.S. Treasury Securities State and Local Government Series.

DATES: Written comments should be received on or before April 10, 2001, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: Transaction Request For U.S. Treasury Securities State and Local Government Series and Early Redemption Request for U.S. Treasury Securities State and Local Government Series.

OMB Number: 1535–0121.

Form Numbers: PD F 5376 and PD F 5377.

Abstract: The information is requested to process accounts for the owners of securities of State and Local Government Series.

Current Actions: None.

Type of Review: Extension.

Affected Public: State or Local Government.

Estimated Number of Respondents: 3,350.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 1,675.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 2, 2001.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. 01–3244 Filed 2–7–01; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the U.S. Savings Bonds EasySaver Plan Enrollment Application Series EE.

DATES: Written comments should be received on or before April 10, 2001, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: U.S. Savings Bonds EasySaver Plan Enrollment Application Series EE.

Form Number: PD F 5391.

Abstract: The information is requested from the purchaser to issue Series EE Savings Bonds.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals or households.

Estimated Number of Respondents: 15,000.

Estimated Time Per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 2,550.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 2, 2001.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. 01–3245 Filed 2–7–01; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the request for reissue of United States Savings Bonds.

DATES: Written comments should be received on or before April 10, 2001, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: Request for Reissue of Series I United States Savings Bonds.

Form Number: PD F 5387.

Abstract: The information is requested to support a request for reissue and to indicate the new registration.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals.

Estimated Number of Respondents: 3,000.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 1,500.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 2, 2001.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. 01–3246 Filed 2–7–01; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the application for disposition of savings bonds after the death of the registered owner(s).

DATES: Written comments should be received on or before April 10, 2001, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION: *Title:* Application For Disposition of Series I Savings Bonds After The Death of the Registered Owner(s).

Form Number: PD F 5394.

Abstract: The information is requested to request payment or reissue of savings bonds belonging to a deceased owner.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals.

Estimated Number of Respondents: 1,000.

Estimated Time Per Respondent: 45 minutes.

Estimated Total Annual Burden Hours: 750.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 2, 2001.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. 01–3247 Filed 2–7–01; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the request for reissue of savings bonds by the representative of the estate of an incompetent or minor.

DATES: Written comments should be received on or before April 10, 2001, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: Request for Reissue of Series I Bonds by the Representative of the Estate of an Incompetent or Minor.

Form Number: PD F 5386.

Abstract: The information is requested to establish representative's

authority to act and request reissue of savings bonds.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals.

Estimated Number of Respondents: 1,000.

Estimated Time Per Respondent: 20 minutes.

Estimated Total Annual Burden Hours: 330.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 2, 2001.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. 01–3248 Filed 2–7–01; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the certificate of appointment and request for payment of savings bonds to the representative of the estate of an incompetent or minor.

DATES: Written comments should be received on or before April 10, 2001, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: Certificate of Appointment and Request for Payment of Series I Savings Bonds to the Representative of the Estate of An Incompetent or Minor.

Form Number: PD F 5385.

Abstract: The information is requested to establish representative's authority to act and request payment of savings bonds.

Current Actions: None

Type of Review: Extension

Affected Public: Individuals.

Estimated Number of Respondents: 1,000.

Estimated Time Per Respondent: 20 minutes.

Estimated Total Annual Burden Hours: 330.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 2, 2001.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. 01–3249 Filed 2–7–01; 8:45 am]

BILLING CODE 4810–39–U

Corrections

Federal Register

Vol. 66, No. 27

Thursday, February 8, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1137]

Grant of Authority for Subzone Status; Conoco, Inc., (Oil Refinery Complex), Ponca City, Oklahoma

Correction

In notice document 01–1682 beginning on page 6582 in the issue of Monday, January 22, 2001, make the following correction:

On page 6582, in the third column, in the third paragraph, in the fifth line ''160E'' should read ''106E''.

[FR Doc. C1–1682 Filed 2–7–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-CE-121-AD; Amendment 39-12036; AD 2000-25-02]

RIN 2120-AA64

Airworthiness Directives; American Champion Aircraft Corporation 7, 8, and 11 Series Airplanes

Correction

In rule document 00–31450 beginning on page 78905 in the issue of Monday, December 18, 2000, make the following correction:

§39.13 [Corrected]

On page 78911, in §39.13(d), in the second column of the table, in the fourth line, after ''AD)'' add ''or within the next 13 calendar months after January 19, 2001 (the effective date of this AD)''.

[FR Doc. C0–31450 Filed 2–7–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 413, 415, and 417

[Docket No. FAA–2000–7953; Notice No. 00–10]

RIN 2120–AG37

Licensing and Safety Requirements for Launch

Correction

In proposed rule document 00–24472 beginning on page 63922 in the issue of Wednesday, October 25, 2000, make the following corrections:

1. On page 63922, in the first column, the docket number is corrected to read as set forth above.

§417.233 [Corrected]

2. On page 64022, in the second column, in §417.233(c)(5)(ii), in the fourth line, after ''the'' add ''ĖḞĠ''.

Appendix A to 417 [Corrected]

3. On page 64043, in the second column, in paragraph (ii), in the fifth line, ''1 x 100^{-5}'' should read ''1 x 10^{-5}''.

4. On page 64044, in the second column, in paragraph (7), in the eighth line, ''(i.e. $\log_{10})P_c$'' should read ''(i.e. $\log_{10}(P_c$'').

Appendix B to Part 417 [Corrected]

5. On page 64051, in the first column, in the value description of σ_y, ''diviation'' should read ''deviation ''.

Appendix C to Part 417 [Corrected]

6. On page 64058, table C417–1 is corrected to read as set forth below:

TABLE C417–1, ILLUSTRATIVE SIMULATION RUNS REQUIRED TO DETERMINE DRAG IMPACT POINT DISPERSIONS FOR A THREE STAGE LAUNCH VEHICLE

Trajectory simulation runs Stage performance error parameters	Dispersion being determined		
	Stage 1	Stage 2	Stage 3
Stage 1 errors	X[1]		
Stage 1 errors, Stage 2 nominal		X	
Stage 1 nominal, Stage 2 errors		X	
Stage 1 errors, Stage 2 nominal, Stage 3 nominal			X
Stage 1 nominal, Stage 2 errors, Stage 3 nominal			X
Stage 1 nominal, Stage 2 nominal, Stage 3 errors			X

[1] An X in a given stage column indicates that the noted simulation runs are required to determine the dispersion for that stage.

Appendix E to Part 417 [Corrected]

7. On page 64091, in table E417.25–3, under the ''Quality'' heading, after each ''100'' entry, add a ''%'' sign.

8. On page 64094, the second table heading, ''Table E417.25–75'' should read ''Table E417.25–7''.

9. On page 64096, in table E417.27–2, for the entry ''Performance Verification'' remove the ''X'' in each column.

10. On the same page, in the same table, for the entry ''Non-Operating Environment Tests'' remove the ''X '' in each column.

11. On page 64099, in table E417.27–5, for the entry ''High Temperature Storage'', remove the ''X'' in the column named ''1 year[4]''.

12. On page 64101, in table E417.29–2, for the entry ''Firing Test'', in the Reference column, ''E417.(g)'' should read ''E417.29(g)''.

13. On page 64104, in table E417.31–2, for the entry ''Non-Operating Environment Tests and Operating Environment Tests'', remove the ''X'' in the third column.

14. On the same page, in table E417.31–3, under the ''Quality'' heading, before each ''100%'' entry, remove the footnote reference ''[1]''.

15. On page 64105, in table E417.31–4, for the entry ''Low Temperature'', remove the ''5'' in the column named ''105 ''.

16. On page 64107, in table E417.33–3, for the entry ''Component Examination'', remove the ''X'' in each column.

17. On page 64109, in table E417–37–1, under the entry ''Shock'', add an ''X'' in the ''Quantity'' column.

[FR Doc. C0–24472 Filed 2–7–01; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Thursday,
February 8, 2001

Part II

The President

Proclamation 7405—National Consumer Protection Week, 2001

Federal Register
Vol. 66, No. 27
Thursday, February 8, 2001

Presidential Documents

Title 3—

The President

Proclamation 7405 of February 5, 2001

National Consumer Protection Week

By the President of the United States of America

A Proclamation

More Americans than ever are realizing the American dream of homeownership. At the same time, an increasing number of homeowners are living the nightmare of overwhelming debt and home foreclosure resulting from fraudulent lending practices. Subprime lending—the extension of high-rate, high-fee loans to people considered to be high-risk borrowers—has grown substantially in recent years. Unfortunately, fraudulent and abusive lending practices have also grown.

High-cost lending is not limited to home mortgages. Check cashing outlets, payday loan companies, rent-to-own stores, subprime auto lenders, and pawn shops are additional examples of high-cost lenders.

While it is crucial that as many consumers as possible have access to credit, their access must not be hindered by unlawful lending practices. Federal law enforcement agencies have increased their enforcement activities to stop lenders who engage in fraudulent and abusive lending practices. In addition, Federal agencies and consumer groups have implemented aggressive education campaigns to help consumers learn how to safeguard the equity in their homes.

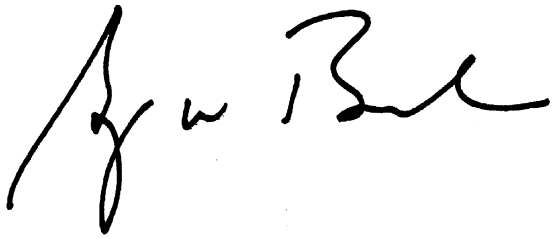
Consumers can protect themselves from loan fraud by taking some common-sense precautions, including comparison shopping among several lenders, negotiating, and resisting, indeed refusing to yield to, pressure to sign any loan papers they don't understand. Nonprofit credit and housing counseling services are available to help consumers manage their credit and make decisions about loans and loan terms.

To help protect consumers, the Federal Trade Commission, the National Association of Consumer Agency Administrators, the U.S. Postal Service, the U.S. Postal Inspection Service, the National Association of Attorneys General, the Department of Justice, and private consumer organizations have joined forces to inform Americans about their rights as borrowers, about the responsibilities of lenders, and about protecting their assets. This information is available in writing, by telephone, and online.

I encourage all Americans to take advantage of this opportunity to learn more about how to protect themselves against fraudulent and abusive lending practices. By becoming wise and well-informed consumers, we can reduce the incidence of fraud and deception in the marketplace.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim February 5 through February 10, 2001, as National Consumer Protection Week. I call upon government officials, industry leaders, consumer advocates, the media, and the American people to participate in programs helping citizens to be responsible and wise consumers.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of February, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



[FR Doc. 01–3475
Filed 2–7–01; 8:46 am]
Billing code 3195–01–P

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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Various plants from Maui and Kahoolawe, HI; comments due by 2-16-01; published 12-18-00
Sacramento splittail; comments due by 2-12-01; published 1-12-01
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National Park Service
Historic properties leasing regulations; comments due by 2-12-01; published 12-12-00

INTERIOR DEPARTMENT
Surface Mining Reclamation and Enforcement Office
Permanent program and abandoned mine land reclamation plan submissions:
Indiana; comments due by 2-12-01; published 1-11-01
West Virginia; comments due by 2-12-01; published 1-12-01

OFFICE OF MANAGEMENT AND BUDGET
Management and Budget Office
Prompt Payment Act; implementation:
Interest penalties under cost-reimbursement contract for services more than 30 days after receiving proper invoice; comments due by 2-13-01; published 12-15-00

SECURITIES AND EXCHANGE COMMISSION
Securities:
Acquisition exemption during existence of an Underwriting or Selling Syndicate; comments due by 2-15-01; published 12-6-00

STATE DEPARTMENT
Consular services; fee schedule; comments due by 2-12-01; published 12-14-00

TRANSPORTATION DEPARTMENT
Coast Guard
Ports and waterways safety:
New York Harbor et al., NY; safety zone; comments due by 2-12-01; published 12-13-00

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Federal Aviation Administration
Air traffic operating and flight rules, etc.:
Reduced vertical separation minimum; comments due by 2-16-01; published 12-18-00
Airworthiness directives:
Bell; comments due by 2-12-01; published 12-13-00
Boeing; comments due by 2-12-01; published 12-29-00
Cessna; comments due by 2-12-01; published 1-8-01
Empresa Brasileira de Aeronautica S.A.; comments due by 2-12-01; published 1-16-01
Fokker; comments due by 2-15-01; published 1-16-01
Pratt & Whitney; comments due by 2-12-01; published 12-12-00
Rolls-Royce Corp.; comments due by 2-12-01; published 12-12-00
Rolls-Royce plc; comments due by 2-12-01; published 12-13-00
Saab; comments due by 2-15-01; published 1-16-01
Standard provisions added and part revised; comments due by 2-12-01; published 1-12-01
Stemme GmbH & Co.; comments due by 2-15-01; published 1-10-01

LIST OF PUBLIC LAWS

Note: The List of Public Laws for the 106th Congress, Second Session has been completed and will resume when bills are enacted into public law during the next session of Congress.

A cumulative List of Public Laws was published in Part II of the **Federal Register** on January 16, 2001.

Public Laws Electronic Notification Service (PENS)

Note: PENS will resume service when bills are enacted into law during the next session of Congress.

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